

BOBBY JINDAL
GOVERNOR



PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
ENVIRONMENTAL SERVICES

APR 09 2010

CERTIFIED MAIL 7009 2820 0003 4485 7797 -RETURN RECEIPT REQUEST

File No.: LA0004847
AI No.: 2532 Activity No.: 2008002

Mr. Brad Chance, Plant Manager, Louisiana Operations
Mosaic Fertilizer, LLC
Uncle Sam Plant
Highway 44
Uncle Sam, LA 70792

RE: Draft Louisiana Pollutant Discharge Elimination System (LPDES) permit to discharge treated process wastewater and process area stormwater, non-process wastewater, utility wastewater, sanitary wastewater, and non-process area stormwater runoff to the Mississippi River (Final Outfall 001) and Bayou des Acadiens thence into Blind River (Final Outfalls 105, 205, and 305) from an existing phosphatic fertilizer manufacturing plant located on Louisiana Highway 44 in Uncle Sam, St. James Parish.

Dear Mr. Chance:

The Department of Environmental Quality proposes to reissue an LPDES permit with the effluent limitations, monitoring requirements, and special conditions listed in the attached DRAFT PERMIT. Please note that this is a DRAFT PERMIT only and as such does not grant any authorization to discharge. Authorization to discharge in accordance with this permitting action will only be granted after all requirements described herein are satisfied and by the subsequent issuance of a FINAL PERMIT. Upon the effective date of the FINAL PERMIT, the FINAL PERMIT shall replace the previously effective LPDES permit.

This Office will publish a public notice one time in a local newspaper of general circulation and the Office of Environmental Services Public Notice Mailing List. A copy of the public notice containing the specific requirements for commenting to this draft permit action will be sent under separate cover at the time the public notice is arranged. In accordance with LAC 33:IX.6521.A, the applicant shall receive and is responsible for paying the invoice from the above mentioned newspaper. LAC 33:IX.6521.A states: "...the costs of publication shall be borne by the applicant."

The invoice, fee rating worksheet, and a copy of the fee regulations will be sent under a separate cover letter as applicable. Please note that a copy of the fee rating worksheet is also attached to this draft permit. A copy of the entire Louisiana Water Quality Regulations may be obtained from the DEQ Office of Environmental Assessment, Post Office Box 4314, Baton Rouge, Louisiana 70821-4314, (225) 219-3236.

Mosaic Fertilizer, LLC
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Pursuant to LAC 33:IX.1309.I, LAC 33:IX.6509.A.1 and LAC 33:I.1701, you must pay any outstanding fees to the Department. Therefore, you are encouraged to verify the facility's fee status by contacting LDEQ's Office of Management and Finance, Financial Services Division (225) 219-3863. Failure to pay in the manner and time prescribed could result in applicable enforcement actions as prescribed in the Environmental Quality Act, including, but not limited to revocation or suspension of the applicable permit, and/or assessment of a civil penalty against you.

Should you have any questions concerning any part of the DRAFT PERMIT, public notice requirements, or fee, please feel free to contact Bruce Fielding, Office of Environmental Services, at the address on the preceding page, or by telephone at (225) 219-3006. To ensure that all correspondence regarding this facility is properly filed into the Department's Electronic Document Management System, please reference your Agency Interest (AI) number 2532 and LPDES permit number LA0004847 on all future correspondence to this Department.

Sincerely,



Jesse Chang
Environmental Scientist Manager
Industrial Water Permits

bf

Attachment(s): draft permit, factsheet, and fee sheet

c: Bruce Fielding
Water Permits Division

Jenniffer Sheppard
Water Permits Division

IO-W File

ec:

Scenic Rivers Coordinator
Department of Wildlife and Fisheries

Melissa Reboul (draft permit only)
Water Permits Division

Gayle Denino
Office of Management & Finance

Permit Compliance Unit
Southeast Regional Office
Office of Environmental Compliance

For Public Notice
Public Participation Group
Office of Environmental Assistance

DRAFT

PERMIT NUMBER
LA0004847
AI No.: 2532

OFFICE OF ENVIRONMENTAL SERVICES
Water Discharge Permit

Pursuant to the Clean Water Act, as amended (33 U.S.C. 1251 et seq.), and the Louisiana Environmental Quality Act, as amended (La. R. S. 30:2001 et seq.), rules and regulations effective or promulgated under the authority of said Acts, and in reliance on statements and representations heretofore made in the application, a Louisiana Pollutant Discharge Elimination System permit is issued authorizing

Mosaic Fertilizer, LLC
Uncle Sam Plant
Highway 44
Uncle Sam, LA 70792

Type Facility: phosphatic fertilizer manufacturing plant

Location: Louisiana Highway 44 in Uncle Sam
St. James Parish

Receiving Waters: Mississippi River (Final Outfall 001) and Bayou des Acadiens thence into Blind River (Final Outfalls 105, 205, and 305) (070301 and 040401)

to discharge in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Parts I, II, and III attached hereto.

This permit shall become effective on _____

This permit and the authorization to discharge shall expire five (5) years from the effective date of the permit.

DRAFT

Issued on _____

Cheryl Sonnier Nolan
Assistant Secretary

PART I

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AI No. 2532

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning the effective date and lasting through the expiration date the permittee is authorized to discharge from:

Final Outfall 001, Once-through barometric cooling water, fume scrubber water, and utility wastewater (via Internal Outfalls 101 and 201), phosphate fertilizer area non-process wastewater (*1) and process area stormwater (via Internal Outfall 301); and discharges from Internal Outfall 002, which includes the following internal outfalls: once through cooling water from the sulfuric acid plant (via Internal Outfalls 102 and 202), power plant utility wastewater (via Internal Outfall 302), clarifier underflow (via Internal Outfall 402), and treated sanitary wastewater (via Internal Outfall 502), estimated flow is 172.3 MGD.

Such discharges shall be limited and monitored by the permittee as specified below:

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>	<u>Other Units</u>				<u>Monitoring Requirements</u>	
		(lbs/day, UNLESS STATED)		(mg/L, UNLESS STATED)		Measurement	Sample
	STORET Code	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Frequency	Type
Flow-MGD	50050	Report	Report	---	---	Continuous	Recorder
Fluoride (*2)	00951	165,000	222,800	---	---	3/week	24-hr. Composite
Total Phosphorous (*2)	00665	15,000	34,200	---	---	3/week	24-hr. Composite
TSS	00530	Report	Report	---	---	3/week	24-hr. Composite
Total Sulfate	00945	Report	Report	---	---	3/week	24-hr. Composite
Total Radium 226, pCi/ml (*3)	09501	---	---	Report (*4)	---	1/month	Monthly Composite
Dock Discharges (as P) (*5)	00664	Report	Report	---	---	1/month	24-hr. Composite
<u>WHOLE EFFLUENT (ACUTE)</u>		<u>(Percent %, UNLESS STATED)</u>					
<u>TOXICITY TESTING (*6)</u>	STORET Code			Monthly Avg Minimum	48-Hour Minimum	Measurement Frequency (*7)	Sample Type
NOEC, Pass/Fail [0/1], Lethality, Static Renewal, 48-Hour Acute, <u>Pimephales promelas</u>	TEM6C	---	---	Report	Report	1/Quarter	24-hr. Composite
NOEC, Value [%], Lethality, Static Renewal, 48-Hour Acute, <u>Pimephales promelas</u>	TOM6C	---	---	Report	Report	1/Quarter	24-hr. Composite
NOEC, Value [%], Coefficient of Variation, Static Renewal, 48-Hour Acute, <u>Pimephales promelas</u>	TQM6C	---	---	Report	Report	1/Quarter	24-hr. Composite
NOEC, Pass/Fail [0/1], Lethality, Static Renewal, 48-Hour Acute, <u>Daphnia pulex</u>	TEM3D	---	---	Report	Report	1/Quarter	24-hr. Composite
NOEC, Value [%], Lethality, Static Renewal, 48-Hour Acute <u>Daphnia pulex</u>	TOM3D	---	---	Report	Report	1/Quarter	24-hr. Composite

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EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (Outfall 001 continued)

Effluent Characteristic	Discharge Limitations	Other units	Monitoring Requirements	
<u>WHOLE EFFLUENT (ACUTE)</u>	STORET Code	(Percent %, UNLESS STATED)	Measurement Frequency (*7)	Sample Type
<u>TOXICITY TESTING (*6)</u>		Monthly Avg Minimum		
NOEC, Value [%], Coefficient of Variation, Static Renewal, 48-Hour Acute <u>Daphnia pulex</u>	TQM3D --- ---	Report	Report	1/Quarter 24-hr. Composite

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

Final Outfall 001, combined final discharge prior to combining with the Mississippi River.

FOOTNOTE(S):

- (*1) The discharge of phosphate fertilizer area nonprocess wastewater does not include excess stormwater runoff from the active calcium sulfate pile at Internal Outfall 003 or excess stormwater runoff from the inactive calcium sulfate storage pile at Internal Outfall 004. The underflow of contaminated freatic water from the inactive calcium sulfate pile will be recycled back to the process, and, if discharged, comply with the limitations at Final Outfall 001 or Internal Outfall 003 as appropriate.
- (*2) For the purposes of compliance with the fluoride and total phosphorous limits at Final Outfall 001, the contributions from Internal Outfalls 003 and 004 may be subtracted from that obtained at Final Outfall 001, provided they are sampled on the same day. See Part II.V.
- (*3) Comprising at least four representative 24-hr. composite samples combined proportional to flow.
- (*4) The quarterly average effluent limit is 0.0032 Curies/day, see Part II.J.
- (*5) See Part II.W.
- (*6) Biomonitoring shall be conducted on the total discharge from Final Outfall 001 that includes the following Internal Outfalls: 101, 201, 301, 002 (Internal Outfalls 102, 202, 302, 402, and 502), 003, and 004. See also Part II.Y.
- (*7) See Part II.Z.5, Monitoring Frequency Reduction.

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EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

During the period beginning the effective date and lasting through the expiration date the permittee is authorized to discharge from:

Internal Outfall 102, non-contact cooling water of the turbogenerators and sulfuric acid plant - Train "D", and wastewater resulting from turnaround.

Internal Outfall 202, non-contact cooling of the sulfuric acid plants - Trains "A" and "E", and wastewater resulting from turnaround.

Internal Outfall 302, power plant utility water consisting of non-contact cooling water for turbogenerators, and blowdown water from boilers, water softeners, and zeolite reactivators and includes Internal Outfall 402.

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	STORET Code	Discharge Limitations				Monitoring Requirements	
		(lbs/day, UNLESS STATED)		Other Units (mg/L, UNLESS STATED)		Measurement Frequency	Sample Type
		Monthly Average	Daily Maximum	Monthly Average	Daily Maximum		
Flow-MGD	50050	Report	Report	---	---	Continuous	Recorder
pH Range Excursions (Continuous Monitoring), Number of Events >60 Minutes	82581	---	0(*1)	---	---	Continuous	Recorder
pH Range Excursions (Continuous Monitoring), Monthly Total Accumulated Time in Minutes	82582	---	446(*1)	---	---	Continuous	Recorder
pH Minimum/Maximum Values (Standard Units)	00400	---	---	Report(*1) (Min)	Report(*1) (Max)	Continuous	Recorder

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

Internal Outfall 102, at the point of discharge from "D" Train sulfuric acid production prior to combining with other waters. Flow monitored at intake to D train from power plant.

Internal Outfall 202, at the point of discharge from sulfuric acid plants Trains "A" and "E" prior to combining with other waters. Flow shall be monitored at intake of Trains A and E.

Internal Outfall 302, power plant utility water consisting of non-contact cooling water for turbogenerators, and blowdown water from boilers, water softeners, and zeolite reactivators prior to combining with other waters. Total flow shall be monitored on intake to power plant. Flow reported will be total flow minus D Train flow.

FOOTNOTE(S):

- (*1) The pH shall be within the range of 6.0 - 9.0 standard units at all times subject to the continuous monitoring pH range excursion provisions at Part II.H. The permittee shall also report on the Discharge Monitoring Reports both the minimum and maximum instantaneous pH values measured.

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EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

During the period beginning the effective date and lasting through the expiration date the permittee is authorized to discharge from:

Internal Outfall 402, river water clarifier underflow underflow.

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	STORET Code	Discharge Limitations				Monitoring Requirements	
				Other Units		Measurement Frequency	Sample Type
		(lbs/day, UNLESS STATED)		(mg/L, UNLESS STATED)			
		Monthly Average	Daily Maximum	Monthly Average	Daily Maximum		
Flow-MGD	50050	Report	Report	---	---	1/week	Estimate (*1)
Clarifying Agents Used (*2)		Report	Report	---	---	1/month	Inventory Calculation

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

Internal Outfall 402, at the point of discharge from the clarifier unit prior to discharge to the Mississippi River via Final Outfall 001 and Internal Outfall 002.

FOOTNOTE(S):

(*1) See Part II.G.

(*2) See Part II.K.

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EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

During the period beginning the effective date and lasting through the expiration date the permittee is authorized to discharge from:

Internal Outfall 502, the discharge of treated sanitary sewage.

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	STORET Code	Discharge Limitations				Monitoring Requirements	
		(lbs/day, UNLESS STATED)		Other Units (mg/L, UNLESS STATED)		Measurement Frequency	Sample Type
		Monthly Average	Daily Maximum	Monthly Average	Daily Maximum		
Flow-MGD	50050	Report	Report	---	---	1/ month	Estimate (*1)
BOD ₅	00310	---	---	30	45	1/ month	Grab
TSS	00530	---	---	30	45	1/ month	Grab
Fecal Coliform colonies/100 ml	74055	---	---	200	400	1/ month	Grab

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

Internal Outfall 502, at the point of discharge from the treatment facility prior to combining with other waters.

FOOTNOTE(S):

(*1) See Part II.G.

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EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

During the period beginning the effective date and lasting through the expiration date the permittee is authorized to discharge from:

Internal Outfall 003, double lime treated active calcium sulfate pile water and contaminated phosphate fertilizer area non-process wastewater

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	STORET Code	Discharge Limitations		Other Units		Monitoring Requirements	
		(lbs/day, UNLESS STATED)	(mg/L, UNLESS STATED)	(lbs/day, UNLESS STATED)	(mg/L, UNLESS STATED)	Measurement Frequency	Sample Type
		Monthly Average	Daily Maximum	Monthly Average	Daily Maximum		
Flow-MGD	50050	Report	Report	---	---	Continuous	Recorder
Total Fluoride	00951	Report	Report	25	75	3/week	24-hr. Composite
Total Phosphorous (*1)	00665	Report	Report	35	105	3/week	24-hr. Composite
pH Range Excursions (Continuous Monitoring), Number of Events >60 Minutes	82581	---	0(*2)	---	---	Continuous	Recorder
pH Range Excursions (Continuous Monitoring), Monthly Total Accumulated Time in Minutes	82582	---	446(*2)	---	---	Continuous	Recorder
pH Minimum/Maximum Values (Standard Units)	00400	---	---	Report(*2) (Min)	Report(*2) (Max)	Continuous	Recorder
Biomonitoring (*3)		---	---	Report (Mo. Avg. Min.) (48 Hr. Min)	Report	1/quarter	24-hr. Composite

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

Internal Outfall 003, for Flow, Total Phosphorous, and Total Fluoride, at the point of discharge prior to commingling with Internal Outfall 004. For pH, after the commingling of Internal Outfalls 003 and 004, but prior to commingling with any other wastestream or outfall.

FOOTNOTE(S):

- (*1) The sum of Internal Outfalls 003 and 004 shall not exceed the effluent limitation in Part II.N of the permit.
- (*2) The pH shall be within the range of 6.0 - 9.0 standard units at all times subject to the continuous monitoring pH range excursion provisions at Part II.H. The permittee shall also report on the Discharge Monitoring Reports both the minimum and maximum instantaneous pH values measured.
- (*3) See Part II.Z, biomonitoring requirements.

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EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

During the period beginning the effective date and lasting through the expiration date the permittee is authorized to discharge from:

Internal Outfall 004, discharges related to inactive calcium sulfate storage pile water.

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	STORET Code	Discharge Limitations		Other Units		Monitoring Requirements	
		(lbs/day, UNLESS STATED)		(mg/L, UNLESS STATED)		Measurement Frequency	Sample Type
		Monthly Average	Daily Maximum	Monthly Average	Daily Maximum		
Flow-MGD	50050	Report	Report	---	---	Continuous	Recorder
pH Minimum/Maximum Values (Standard Units)	00400	---	---	Report (*1) (Min)	Report (*1) (Max)	Continuous	Recorder
Total Phosphorous (as P) (*2)	00665	Report	Report	Report	Report	3/week	24-hr. Composite
Calculated Total Phosphorous Limit Based on River Flow		(*2)	(*2)	Report	Report	3/week	24-hr. Composite
Phosphorous Exceedances	00663	Report	0 (days)	---	---	3/week	24-hr. Composite
Total Fluoride	00951	Report	Report	Report	Report	3/week	24-hr. Composite
Total Sulfate	00945	Report	Report	Report	Report	3/week	24-hr. Composite
Total Radium 226 (*3)	09501	Report	Report	0.4 pCi/ml	0.5 pCi/ml	1/month	24-hr. Composite
Total Uranium	22708	Report	Report	Report	Report	1/week	24-hr. Composite
Gross Alpha Particle Activity (*3)	80045	Report	Report	Report	Report	1/month	24-hr. Composite
Total Aluminum	01105	Report	Report	Report	Report	1/week	24-hr. Composite
Total Antimony	01097	Report	Report	Report	Report	1/month	24-hr. Composite
Total Arsenic	01002	Report	Report	Report	Report	1/month	24-hr. Composite
Total Beryllium	01012	Report	Report	Report	Report	1/month	24-hr. Composite
Total Cadmium	01027	Report	Report	Report	Report	1/week	24-hr. Composite
Total Chromium	01034	Report	Report	Report	Report	1/month	24-hr. Composite
Total Copper	01042	Report	Report	Report	Report	1/month	24-hr. Composite
Total Lead	01051	Report	Report	Report	Report	1/month	24-hr. Composite
Total Mercury	71900	Report	Report	Report	Report	1/month	24-hr. Composite
Total Nickel	01067	Report	Report	Report	Report	1/month	24-hr. Composite
Total Selenium	01147	Report	Report	Report	Report	1/month	24-hr. Composite
Total Silver	01077	Report	Report	Report	Report	1/month	24-hr. Composite
Total Thallium	01059	Report	Report	Report	Report	1/month	24-hr. Composite
Total Zinc	01092	Report	Report	Report	Report	1/month	24-hr. Composite
TSS	00530	Report	Report	Report	Report	3/week	24-hr. Composite
Stream Flow (cfs)	74069	---	---	---	Report (*4)	1/day	24-hr. Measurement
Biomonitoring (*5)		---	---	Report (Mo. Avg. Min.)	Report (48 Hr. Min)	1/quarter	24-hr. Composite

(Mo. Avg. Min.) (48 Hr. Min)

The permittee shall at all times be in compliance with the requirements of the calcium sulfate storage pile operating procedures contained in Part II.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

Internal Outfall 004, at the point of discharge from the inactive calcium sulfate impoundment prior to commingling with Final Outfall 001.

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EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

FOOTNOTE(S):

- (*1) The permittee shall report on the Discharge Monitoring Reports both the minimum and maximum instantaneous pH values measured.
- (*2) The daily maximum mass limits vary with Mississippi River flow and are defined in Part II.N of this permit.
- (*3) Mass units are in pico-curies/day (pCi/day) and concentration units are in pico-Curies/milliliter (pCi/ml). See Part II.F for analytical procedures.
- (*4) Mississippi River flow shall be obtained from the U.S. Army Corps of Engineers in New Orleans for the Tarbert's Landing gauge near the Old River Diversion Structure. The flow for every day of the month shall be reported and attached to the monthly Discharge Monitoring Report (DMR). The minimum flow shall be reported on the DMR.
- (*5) See Part II.Z, biomonitoring requirements. For river flow reporting requirements, see Part II.S.

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EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

During the period beginning the effective date and lasting through the expiration date the permittee is authorized to discharge from:

Final Outfall 105, stormwater from areas south of the facility and gypsum stacks, equipment and material storage areas, employee parking lots, railcar activity areas.

Final Outfall 205, stormwater from areas west of the gypsum stacks

Final Outfall 305, stormwater from areas north of the gypsum stacks

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	STORET Code	Discharge Limitations				Monitoring Requirements	
		(lbs/day, UNLESS STATED)		Other Units (mg/L, UNLESS STATED)		Measurement Frequency(*1)	Sample Type
		Monthly Average	Daily Maximum	Monthly Average	Daily Maximum		
Flow-MGD	50050	Report	Report	---	---	1/week	Estimate (*2)
TOC	00680	---	---	---	50	1/month	Grab
Oil and Grease	03582	---	---	---	15	1/month	Grab
pH Minimum/Maximum Values (Standard Units)	00400	---	---	6.0 (*3) (Min)	9.0 (*3) (Max)	1/month	Grab
Total Phosphorous	00665	---	---	Report	Report	1/quarter	Grab
Total Nitrogen	00600	---	---	Report	Report	1/quarter	Grab

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

Final Outfall 105, at the point of discharge from the west-to-east drainage ditch that runs along the south side of Stacks 1-3 prior to entering Bayou des Acadiens.

Final Outfall 205, at the point of discharge just after the north-south perimeter ditches, which run along the east side of the Inactive Reservoir and Stacks 1-3, combine and turn east toward La. Highway 3125 right-of-way, prior to entering the La. Highway 3125 right-of-way.

Final Outfall 305, at the point of discharge just after the north-south perimeter ditch, which run along the east side of Stack 4, turns east toward La. Highway 3125 in the vicinity of the northeast corner of Stack 4, prior to entering the La. Highway 3125 right-of-way.

FOOTNOTE(S):

(*1) When discharging.

(*2) See Part II.G.

(*2) The permittee shall report on the Discharge Monitoring Reports both the minimum and maximum instantaneous pH values measured.

PART II

OTHER REQUIREMENTS

In addition to the standard conditions required in all permits and listed in Part III, the Office has established the following additional requirements in accordance with the Louisiana Water Quality Regulations.

- A. This permit does not in any way authorize the permittee to discharge a pollutant not listed or quantified in the application or limited or monitored for in the permit.
- B. Authorization to discharge pursuant to the conditions of this permit does not relieve the permittee of any liability for damages to state waters or private property. For discharges to private land, this permit does not relieve the permittee from obtaining proper approval from the landowner for appropriate easements and rights of way.
- C. For definitions of monitoring and sampling terminology see STANDARD CONDITIONS FOR LPDES PERMITS, Section F.
- D. 24-HOUR ORAL REPORTING: DAILY MAXIMUM LIMITATION VIOLATIONS

Under the provisions of Part III.D.6.e.(3) of this permit, violations of daily maximum limitations for the following pollutants shall be reported orally to the Office of Environmental Compliance within 24 hours from the time the permittee became aware of the violation followed by a written report in five days.

Pollutant(s):

Final Outfall 001 - Total Phosphorous
Internal Outfalls 003 and 004 - Total Phosphorous

E. COMPOSITE SAMPLING

Unless otherwise specified in this permit, the term "24-hour composite sample" means a sample consisting of a minimum of four (4) aliquots of effluent collected at regular intervals over a normal 24-hour operating day and combined in proportion to flow or a sample continuously collected in proportion to flow over a normal 24-hour operating period.

F. 40 CFR PART 136 (See LAC 33:IX.4901) ANALYTICAL REQUIREMENTS

Unless otherwise specified in this permit, monitoring shall be conducted according to analytical, apparatus and materials, sample collection, preservation, handling, etc., procedures listed at 40 CFR Part 136, and in particular, Appendices A, B, and C (See LAC 33:IX.4901).

Monitoring of the radioactive pollutants shall be conducted using the following methods:

1. The effluent characteristic, "Total Radium 226," shall be measured by Method 7500-Ra in accordance with the procedures discussed in Standard Methods for the Examination of Water and Wastewater, 18th Edition, 1992, or an equivalent method.

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OTHER REQUIREMENTS (continued)

2. The effluent characteristic, "Gross Alpha Particle Activity," shall be measured by Method 7110 in accordance with the procedures discussed in Standard Methods for the Examination of Water and Wastewater, 18th Edition, 1992, or an equivalent method.
3. The effluent characteristic, "Total Uranium," shall be measured by the fluorometric method ASTM 2907-70T, or appropriate methods in "Radiochemical Procedures of Analysis of Environmental Samples," U.S. EPA, Document #EMSL-LV-0539-17, March 1979, or any EPA approved procedure.

G. FLOW MEASUREMENT "ESTIMATE" SAMPLE TYPE

If the flow measurement sample type in Part I is specified as "estimate", flow measurements shall not be subject to the accuracy provisions established at Part III.C.6 of this permit. The daily flow value may be estimated using best engineering judgement.

H. pH RANGE EXCURSION PROVISIONS

Where a permittee continuously measures the pH of wastewater as a requirement or option in a Louisiana Pollutant Discharge Elimination System (LPDES) permit, the permittee shall maintain the pH of such wastewater within the range set forth in the permit, except that excursions from the range are permitted, provided:

1. The total time during which the pH values are outside the required range of pH values shall not exceed 446 minutes in any calendar month; and
2. No individual excursion from the range of pH values shall exceed 60 minutes.

For the purposes of this section, an "excursion" is an unintentional and temporary incident in which the pH value of discharge wastewater exceeds the range set forth in the permit.

I. MINIMUM QUANTIFICATION LEVEL (MOL)

If any individual analytical test result is less than the minimum quantification level listed below, a value of zero (0) may be used for that individual result for the Discharge Monitoring Report (DMR) calculations and reporting requirements.

<u>NONCONVENTIONAL</u>	<u>MOL (µg/L)</u>
Phenolics, Total Recoverable (4AAP)	5
Chlorine (Total Residual)	100
3-Chlorophenol	10
4-Chlorophenol	10
2,3-Dichlorophenol	10
2,5-Dichlorophenol	10
2,6-Dichlorophenol	10
3,4-Dichlorophenol	10

Part II

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OTHER REQUIREMENTS (continued)

2,4-D	10
2,4,5-TP (Silvex)	4

METALS AND CYANIDEMOL (µg/L)

Antimony (Total)	60
Arsenic (Total)	10
Beryllium (Total)	5
Cadmium (Total)	1
Chromium (Total)	10
Chromium (3+)	10
Chromium (6+)	10
Copper (Total)	10
Lead (Total)	5
Mercury (Total)	0.2
Molybdenum (Total)	30
Nickel (Total) Freshwater	40
Nickel (Total) Marine	5
Selenium (Total)	5
Silver (Total)	2
Thallium (Total)	10
Zinc (Total)	20
Cyanide (Total)	20

DIOXINMOL (µg/L)

2,3,7,8-TCDD	0.00001
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VOLATILE COMPOUNDSMOL (µg/L)

Acrolein	50
Acrylonitrile	50
Benzene	10
Bromoform	10
Carbon Tetrachloride	10
Chlorobenzene	10
Chlorodibromomethane	10
Chloroethane	50
2-Chloroethylvinylether	10
Chloroform	10
Dichlorobromomethane	10
1,1-Dichloroethane	10
1,2-Dichloroethane	10
1,1-Dichloroethylene	10
1,2-Dichloropropane	10
1,3-Dichloropropylene	10
Ethylbenzene	10
Methyl Bromide [Bromomethane]	50
Methyl Chloride [Chloromethane]	50
Methylene Chloride	20
1,1,2,2-Tetrachloroethane	10
Tetrachloroethylene	10
Toluene	10
1,2-trans-Dichloroethylene	10
1,1,1-Trichloroethane	10

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1,1,2-Trichloroethane	10
Trichloroethylene	10
Vinyl Chloride	10

ACID COMPOUNDSMOL (ug/L)

2-Chlorophenol	10
2,4-Dichlorophenol	10
2,4-Dimethylphenol	10
4,6-Dinitro-o-Cresol [2-Methyl-4,6-Dinitrophenol]	50
2,4-Dinitrophenol	50
2-Nitrophenol	20
4-Nitrophenol	50
p-Chloro-m-Cresol [4-Chloro-3-Methylphenol]	10
Pentachlorophenol	50
Phenol	10
2,4,6-Trichlorophenol	10

BASE/NEUTRAL COMPOUNDSMOL (ug/L)

Acenaphthene	10
Acenaphthylene	10
Anthracene	10
Benzidine	50
Benzo(a)anthracene	10
Benzo(a)pyrene	10
3,4-Benzofluoranthene	10
Benzo(ghi)perylene	20
Benzo(k)fluoranthene	10
Bis(2-chloroethoxy) Methane	10
Bis(2-chloroethyl) Ether	10
Bis(2-chloroisopropyl) Ether	10
Bis(2-ethylhexyl) Phthalate	10
4-Bromophenyl Phenyl Ether	10
Butylbenzyl Phthalate	10
2-Chloronaphthalene	10
4-Chlorophenyl Phenyl Ether	10
Chrysene	10
Dibenzo(a,h)anthracene	20
1,2-Dichlorobenzene	10
1,3-Dichlorobenzene	10
1,4-Dichlorobenzene	10
3,3'-Dichlorobenzidine	50
Diethyl Phthalate	10
Dimethyl Phthalate	10
Di-n-Butyl Phthalate	10
2,4-Dinitrotoluene	10
2,6-Dinitrotoluene	10
Di-n-octyl Phthalate	10
1,2-Diphenylhydrazine	20
Fluoranthene	10
Fluorene	10
Hexachlorobenzene	10
Hexachlorobutadiene	10
Hexachlorocyclopentadiene	10

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Hexachloroethane	20
Indeno(1,2,3-cd)pyrene [2,3-o-Phenylene Pyrene]	20
Isophorone	10
Naphthalene	10
Nitrobenzene	10
n-Nitrosodimethylamine	50
n-Nitrosodi-n-Propylamine	20
n-Nitrosodiphenylamine	20
Phenanthrene	10
Pyrene	10
1,2,4-Trichlorobenzene	10

PESTICIDESMOL (µg/L)

Aldrin	0.05
Alpha-BHC	0.05
Beta-BHC	0.05
Gamma-BHC [Lindane]	0.05
Delta-BHC	0.05
Chlordane	0.2
4,4'-DDT	0.1
4,4'-DDE [p,p-DDX]	0.1
4,4'-DDD [p,p-TDE]	0.1
Dieldrin	0.1
Alpha-Endosulfan	0.1
Beta-Endosulfan	0.1
Endosulfan Sulfate	0.1
Endrin	0.1
Endrin Aldehyde	0.1
Heptachlor	0.05
Heptachlor Epoxide [BHC-Hexachlorocyclohexane]	0.05
PCB-1242	1.0
PCB-1254	1.0
PCB-1221	1.0
PCB-1232	1.0
PCB-1248	1.0
PCB-1260	1.0
PCB-1016	1.0
Toxaphene	5.0

The permittee may develop an effluent specific method detection limit (MDL) in accordance with Appendix B to 40 CFR Part 136 (See LAC 33:IX.4901). For any pollutant for which the permittee determines an effluent specific MDL, the permittee shall send to this Office a report containing QA/QC documentation, analytical results, and calculations necessary to demonstrate that the effluent specific MDL was correctly calculated. An effluent specific minimum quantification level (MQL) shall be determined in accordance with the following calculation:

$$\text{MQL} = 3.3 \times \text{MDL}$$

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Upon written approval by this Office, the effluent specific MQL may be utilized by the permittee for all future Discharge Monitoring Report (DMR) calculations and reporting requirements.

J. RADIUM DISCHARGE

The quarterly average discharge of radium shall not exceed 0.0032 Curie/day. The quarterly average shall be calculated as the arithmetic mean of the monthly composite radium samples monitored in the previous three-month period. The quarterly average total radium 226 will be reported on the DMR forms each month.

K. CLARIFYING AGENTS

The type and daily average discharge expressed in lbs/day or gallons/day of each clarifying agent used in the intake raw river water treatment clarification system during the sampling month shall be recorded. Records of the quantity and type of clarifying agents used shall be retained for three years in accordance with Part III.C.3. No DMR reporting shall be required.

L. 25-YEAR, 24-HOUR PRECIPITATION EVENT

The term "25-year, 24-hour precipitation event" means the maximum 24-hour precipitation event with the probable recurrence interval of once in twenty-five years as defined by the National Weather Service and Technical Paper No. 40, "Rainfall Frequency Atlas of the U.S.", May, 1961, or equivalent regional or rainfall probability information developed therefrom.

- M. The permittee shall achieve compliance with the effluent limitations and monitoring requirements specified for discharges in accordance with the following schedule:

Effective date of the permit

N. PHOSPHOROUS LIMITS FOR INTERNAL OUTFALLS 003 AND 004

The combined daily maximum pounds per day of total phosphorous (*1) discharged through Internal Outfalls 003 and 004 is based on the flow of the Mississippi River and shall not exceed the values calculated as follows:

1. For Mississippi River flows below 200,000 cfs:
Total phosphorous = $0.3(0.955602 * Q - 105,300)$
2. For Mississippi River flows equal to or greater than 200,000 cfs and less than 300,000 cfs:
Total phosphorous = $0.3(0.955602 * Q - 127,700)$
3. For Mississippi River flows equal to or greater than 300,000 cfs and less than 400,000 cfs:

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$$\text{Total phosphorous} = 1/3(0.955602 \cdot Q - 127,700)$$

4. For Mississippi River flows equal to or greater than 400,000 cfs:
$$\text{Total phosphorous} = 0.4(0.955602 \cdot Q - 127,700)$$

Where Q = Mississippi River flow in cfs.

(*1) The relationship between the Phosphorous TMDL and River Flow (Q) is based on the report "Evaluation and Projection of Water Quality Impacts from Nutrient Loading: (Figure 30, p. 48) published by the Department of Environmental Quality. The original formula established by the report is as follows:

$$\text{Phosphorous TMDL (lbs/day)} = 0.955602 \times Q(\text{cfs}) - 2.691175\text{E-}04$$

Since the constant term ($2.691175\text{E-}04 = 0.0002691175$) is numerically insignificant, it is not considered in the formula used to assign permit limits.

O. ANNUAL PHOSPHOROUS DISCHARGE LIMITATIONS FROM INTERNAL OUTFALL 004

The permittee shall not discharge from Internal Outfall 004 more than 3,600,000 pounds of phosphorous in any calendar year. This value shall be calculated by taking the numerical average of all daily measured discharges in pounds per day from Internal Outfall 004 and multiplying the average daily discharge times the number of days that discharge occurred from Internal Outfall 004 in the calendar year. The total calculated phosphorous discharge, with supporting data, shall be submitted on an annual basis as an addendum to the DMR due January 15 in each year.

P. PROPOSED CHANGE IN ROCK ORE NOTIFICATION

Any change in the source(s) of the rock ore used in phosphoric acid production shall be reported to the Louisiana Department of Environmental Quality. Such rock shall be analyzed for all pollutants listed for Internal Outfall 004. If the rock characteristics result in the increased discharge of any pollutant listed for Internal Outfall 004, then a quantitative report shall be submitted to identify the mass of each discharged pollutant. LDEQ shall use this information to ascertain the environmental consequences of using the new rock ore and will reopen and modify the permit if necessary to maintain water quality standards.

Q. PERMIT REOPENER CLAUSE

This permit may be modified, or alternatively, revoked and reissued, to comply with any applicable effluent standard or limitations issued or approved under sections 301(b)(2)(C) and (D); 304(b)(2); and 307(a)(2) of the Clean Water Act, or more stringent discharge limitations and/or additional restrictions in the future to maintain the water quality integrity and the designated uses of the receiving water bodies based upon additional water quality studies and/or TMDL's, if the effluent standard, limitations, water quality studies or TMDL's so issued or approved:

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1. Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
2. Controls any pollutant not limited in the permit; or
3. Require reassessment due to change in 303(d) status of waterbody; or
4. Incorporates the results of any total maximum daily load allocation, which may be approved for the receiving water body.

The Louisiana Department of Environmental Quality (LDEQ) reserves the right to modify or revoke and reissue this permit based upon any changes to established TMDL's for this discharge, or to accommodate for pollutant trading provisions in approved TMDL watersheds as necessary to achieve compliance with water quality standards. Therefore, prior to upgrading or expanding this facility, the permittee should contact the Department to determine the status of the work being done to establish future effluent limitations and additional permit conditions.

R. STORMWATER DISCHARGES

1. This section applies to all stormwater discharges from the facility, either through permitted outfalls or through outfalls which are not listed in the permit or as sheet flow. The purpose of the pollution prevention plan is to identify potential sources of pollution that would reasonably be expected to affect the quality of stormwater and identify the practices that will be used to prevent or reduce the pollutants in stormwater discharges.
2. Any runoff leaving the developed areas of the facility, other than the permitted outfall(s), exceeding 50 mg/L TOC, 15 mg/L Oil and Grease, or having a pH less than 6.0 or greater than 9.0 standard units shall be a violation of this permit. Any discharge in excess of these limitations, which is attributable to offsite contamination shall not be considered a violation of this permit. A visual inspection of the facility shall be conducted and a report made annually as described in Paragraph 4 below.
3. **For first time permit issuance**, the permittee shall prepare, implement, and maintain a Storm Water Pollution Prevention Plan (SWP3) within six (6) months of the effective date of the final permit. **For renewal permit issuance**, the permittee shall review and update, if necessary, a Storm Water Pollution Prevention Plan (SWP3) within six (6) months of the effective date of the final permit. The terms and conditions of the SWP3 shall be an enforceable Part of the permit. If the permittee maintains other plans that contain duplicative information, those plans could be incorporated by reference into the SWP3. Examples of these type plans include, but are not limited to: Spill Prevention Control and Countermeasure Plan (SPCC), Best Management Plan (BMP), Response Plans, etc. EPA document 832-R-92-006 (Storm Water Management for Industrial Activities) may be used as a guidance and may be obtained by writing to the Water Resource Center

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(RC-4100T), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington D.C. 20460 or by calling (202) 566-1729 or via the Wetlands Helpline (800) 832-7828.

4. The following conditions are applicable to all facilities and shall be included in the SWP3 for the facility.
 - a. The permittee shall conduct an annual inspection of the facility site to identify areas contributing to the storm water discharge from developed areas of the facility and evaluate whether measures to reduce pollutant loadings identified in the SWP3 are adequate and have been properly implemented in accordance with the terms of the permit or whether additional control measures are needed.
 - b. The permittee shall develop a site map which includes all areas where stormwater may contact potential pollutants or substances which can cause pollution. Any location where reportable quantities leaks or spills have previously occurred are to be documented in the SWP3. The SWP3 shall contain a description of the potential pollutant sources, including, the type and quantity of material present and what action has been taken to assure stormwater precipitation will not directly contact the substances and result in contaminated runoff.
 - c. Where experience indicates a reasonable potential for equipment failure (e.g. a tank overflow or leakage), natural condition of (e.g. precipitation), or other circumstances which result in significant amounts of pollutants reaching surface waters, the SWP3 should include a prediction of the direction, rate of flow and total quantity of pollutants which could be discharged from the facility as a result of each condition or circumstance.
 - d. The permittee shall maintain for a period of three years a record summarizing the results of the inspection and a certification that the facility is in compliance with the SWP3, and identifying any incidents of noncompliance. The summary report should contain, at a minimum, the date and time of inspection, name of inspector(s), conditions found, and changes to be made to the SWP3.
 - e. The summary report and the following certification shall be signed in accordance with LAC 33:IX.2503. The summary report is to be attached to the SWP3 and provided to the Department upon request.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false

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information, including the possibility of fine and imprisonment for knowing violations."

Signatory requirements for the certification may be found in Part III, Section D.10 of this permit.

- f. The permittee shall make available to the Department, upon request, a copy of the SWP3 and any supporting documentation.
- 5. The following shall be included in the SWP3, if applicable.
 - a. The permittee shall utilize all reasonable methods to minimize any adverse impact on the drainage system including but not limited to:
 - i. maintaining adequate roads and driveway surfaces;
 - ii. removing debris and accumulated solids from the drainage system; and
 - iii. cleaning up immediately any spill by sweeping, absorbent pads, or other appropriate methods.
 - b. All spilled product and other spilled wastes shall be immediately cleaned up and disposed of according to all applicable regulations, Spill Prevention and Control (SPC) plans or Spill Prevention Control and Countermeasures (SPCC) plans. Use of detergents, emulsifiers, or dispersants to clean up spilled product is prohibited except where necessary to comply with State or Federal safety regulations (i.e., requirement for non-slippery work surface) except where the cleanup practice does not result in a discharge and does not leave residues exposed to future storm events. In all such cases, initial cleanup shall be done by physical removal and chemical usage shall be minimized.
 - c. All equipment, parts, dumpsters, trash bins, petroleum products, chemical solvents, detergents, or other materials exposed to stormwater shall be maintained in a manner which prevents contamination of stormwater by pollutants.
 - d. All waste fuel, lubricants, coolants, solvents, or other fluids used in the repair or maintenance of vehicles or equipment shall be recycled or contained for proper disposal. Spills of these materials are to be cleaned up by dry means whenever possible.
 - e. If applicable, all storage tank installations (with a capacity greater than 660 gallons for an individual container, or 1,320 gallons for two or more containers in aggregate within a common storage area) shall be constructed so that a secondary means of containment is provided for the entire contents of the largest tank plus sufficient freeboard to allow for precipitation. Diked areas should be sufficiently impervious to contain spills.
 - f. All diked areas surrounding storage tanks or stormwater collection basins shall be free of residual oil or other contaminants so as

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to prevent the accidental discharge of these materials in the event of flooding, dike failure, or improper draining of the diked area. All drains from diked areas shall be equipped with valves which shall be kept in the closed condition except during periods of supervised discharge.

- g. All check valves, tanks, drains, or other potential sources of pollutant releases shall be inspected and maintained on a regular basis to assure their proper operation and to prevent the discharge of pollutants.
- h. The permittee shall assure compliance with all applicable regulations promulgated under the Louisiana Solid Waste and Resource Recovery Law and the Hazardous Waste Management Law (L.R.S. 30:2151, etc.). Management practices required under above regulations shall be referenced in the SWP3.
- i. The permittee shall amend the SWP3 whenever there is a change in the facility or change in the operation of the facility which materially increases the potential for the ancillary activities to result in a discharge of significant amounts of pollutants.
- j. If the SWP3 proves to be ineffective in achieving the general objectives of preventing the release of significant amounts of pollutants to water of the state, then the specific objectives and requirements of the SWP3 shall be subject to modification to incorporate revised SWP3 requirements.

6. Facility Specific SWP3 Conditions:

The permittee shall inspect the inactive calcium sulfate pile, perimeter ditches, and impoundment at appropriate frequencies to prevent significant process wastewater or process pollutants from entering the inactive impoundment system.

A breakout of (contaminated/active) freatic water on the slopes of the inactive area and ditch must be reported and corrected if:

- a. The drainage reaches the inactive collection ditch;
- b. The estimated flow reaches 100 gallons per day;
- c. And significantly affects the pH, total phosphorous, or fluoride content of the inactive return water or kills grass.

The permittee shall report the problem within 15 days of detection. The permittee shall develop a plan for remediation/correction and correct the problem within 30 days of detection. In the event the problem cannot be corrected in 30 days, then inform the Department of the anticipated date of correction. In the event the problem cannot be corrected, the permittee shall develop a plan to mitigate the breakout to the extent feasible and submit a monthly progress report until the problem or mitigation is stabilized.

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Excess stormwater (identified in Part II.X below) from the active calcium sulfate pile and associated active collection pond shall be treated and discharged at Internal Outfall 003. This excess water may be transferred to the inactive system only when the physical integrity of the active impoundment and/or levee system is threatened by wet weather beyond the capacity of the recycle systems, including treatment, and the ability to discharge to the receiving stream.

S. DISCHARGE MONITORING REPORTS

The permittee shall prepare a monthly summary of the Internal Outfalls 003 and 004 discharge of total phosphorous. The summary shall be in tabular form and shall show for each day of monitoring:

- (1) The date;
- (2) The daily mass discharge of total phosphorous;
- (3) The Mississippi River flow (*1); and
- (4) The calculated daily maximum mass limit from Part II.P above.

The total number of days on which the actual mass discharge of total phosphorous exceeds the calculated mass limit shall be reported on the Discharge Monitoring Report as a "Phosphorous Exceedance."

The monthly summary shall be submitted as an attachment to the Discharge Monitoring Report for every month in which the total phosphorous effluent limit is exceeded.

- (*1) The Mississippi River flow for any day is the river discharge rate corresponding to the Tarbert's Landing/Red River gauge reading taken two days earlier, i.e., the time of travel of the river water from the river gauge to the discharge point is defined to be two days.

Monitoring results must be reported on a Discharge Monitoring Report (DMR) form (EPA No. 3320-1 or an approved substitute). All monitoring reports must be retained for a period of at least three (3) years from the date of the sample measurement. The permittee shall make available to this Department, upon request, copies of all monitoring data required by this permit.

If there is no discharge during the reporting period, place an "X" in the NO DISCHARGE box located in the upper right corner of the Discharge Monitoring Report for that outfall.

Monitoring results for each reporting period shall be summarized on a Discharge Monitoring Report (DMR) Form (one DMR form per monitoring period per outfall) and submitted to the Office of Environmental Compliance either hand delivered, postmarked, or electronically submitted in accordance with LAC 33:1.2101.A and B no later than the 15th day of the month following each reporting period.

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1. For parameter(s) with monitoring frequencies of 1/month or more frequent (i.e. continuous, 1/batch, 1/discharge event, 1/day, 3/week, 2/week, 1/week, 2/month, etc.), DMRs shall be submitted in accordance with the following schedule:

Submit DMR postmarked by the 15th day of the following month.

2. For parameter(s) that require a monitoring frequency of 1/ 2 months, DMRs shall be submitted in accordance with the following schedule:

<u>Monitoring Period</u>	<u>DMR Postmark Date</u>
January 1 - February 28(29)	March 15th
March 1 - April 30	May 15th
May 1 - June 30	July 15th
July 1 - August 31	September 15th
September 1 - October 31	November 15th
November 1 -December 31	January 15th

3. For parameter(s) that require a monitoring frequency of quarterly, DMRs shall be submitted in accordance with the following schedule:

<u>Monitoring Period</u>	<u>DMR Postmark Date</u>
January, February, March	April 15th
April, May, June	July 15th
July, August, September	October 15th
October, November, December	January 15th

4. For parameter(s) that require a semiannual monitoring frequency, DMRs shall be submitted in accordance with the following schedule:

<u>Monitoring Period</u>	<u>DMR Postmark Date</u>
January - June	July 15th
July - December	January 15th

5. For parameter(s) that require an annual monitoring frequency, DMRs shall be submitted in accordance with the following schedule:

<u>Monitoring Period</u>	<u>DMR Postmark Date</u>
January-December	January 15th

If not submitting electronically, duplicate copies of DMR's (one set of originals and one set of copies) signed and certified as required by LAC 33:IX.2503, and all other reports (one set of originals) required by this permit shall be submitted to the Permit Compliance Unit at the following address:

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Department of Environmental Quality
Office of Environmental Compliance
Permit Compliance Unit
Post Office Box 4312
Baton Rouge, Louisiana 70821-4312

T. OTHER DEFINITIONS

The specialized definitions at 40 CFR 418.11 are incorporated by reference in this permit and apply to the process and inactive impoundment system except for the specialized definitions in this permit.

U. BAT EFFLUENT LIMITATIONS FROM THE ACTIVE SYSTEM

The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged from the manufacturing and active impoundment system.

1. Subject to the provisions of paragraphs 2. and 3. below in this section (U), the following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged from the active process and impoundment system: There shall be no discharge of process pollutants to navigable waters.
2. Process wastewater pollutants from the active calcium sulfate storage pile runoff facility operated separately or in combination with a water recirculation system designed, constructed, and operated to maintain a surge capacity equal to the runoff from the 25-year, 24-hour rainfall event may be discharged, after treatment, to the standards set forth in Part I, Internal Outfall 003, whenever chronic or catastrophic precipitation events cause the water level to rise into surge capacity. Treatment and discharge of process wastewater is optional for water below the midpoint of the surge capacity. Treatment and discharge is mandatory for water levels above the midpoint of the surge capacity whenever the facility is not actively recycling water from the impoundment.
3. Process wastewater pollutants from the once-through scrubber water from the reactor and filter section and the once-through barometric cooling water from the evaporator section of the process facility may be discharged subject to the effluent limitations and monitoring requirements of Part I, Internal Outfalls 101, 201, and 301 as stated there (See Final Outfall 001).
4. The permittee shall notify LDEQ one hundred and eighty days prior to deactivation of a portion of the inactive gypsum impoundment. LDEQ will evaluate the activation/deactivation plan and determine if the LPDES permit requires modification. The permittee will be notified if reapplication is necessary.

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The one hundred eighty day prior notification in this section is not required for changes necessary to protect property and avoid unsafe conditions.

- V. The mass discharge for fluoride, total phosphorous, total suspended solids, and total sulfate at Final Outfall 001 may be calculated by determining the mass discharged at the final combined outfall and subtracting the mass discharged upstream at Internal Outfall 003 (double-lime treatment system) and Internal Outfall 004 (inactive calcium sulfate impoundment) for each parameter.

Combined (QD x conc. P) - 003(QD x conc. P) - 004(QD x conc. P) = lbs/day P at 001.

where Q = flow, MGD or million gallons/day
 D = density, 8.34 lbs/gallon
 conc. P = mg/L P, or lbs/million lbs of P
 P = parameter

- W. The permittee's solid materials handling practices at its dock located near mile post 160.1 on the Mississippi River are covered under a Best Management Practices Program ("BMP Program"). The dock is used primarily in the unloading of phosphate rock and molten sulfur and in the loading of phosphoric acid and sulfuric acid. The permittee will comply with 40 CFR 125, Subpart K and other relevant statutes and regulations in eliminating, where possible, the discharge of such solid materials into the waters of the State. In addition, usual and customary housekeeping practices call for the periodic washdown of barges, equipment, machinery, and other dock-related facilities with the wash water being discharged into the river. Also miscellaneous de minimus discharges, including pump seal water and safety showers, will occur periodically. To the extent complete elimination of such discharges is not possible, the BMP Program is designed to keep events of such discharges to an absolute minimum in frequency and volume.

Permittee will provide a copy and/or update of the BMP Program to LDEQ within sixty days of the effective of the permit. Comments will be provided for significant corrections, suggestions, omissions, etc.

At the dock, conventional conveyors are used to handle solid materials. Appropriate methods will be used to reduce spillage of wet materials and dusting of dry materials. When spillage does occur, the solid material will be reclaimed by sweeping or by the use of heavy equipment when required. The area superintendent who is responsible for the dock will be specifically directed to use maximum effort to reclaim spilled materials in order to increase recoveries at the facility.

Reclaimed material will be recycled into the facility's production process or resold, as the case may be. Any residual material on the dock's surface will be removed by washing to avoid the development of a hazardous and slippery condition. As a result, despite best reclamation efforts, de minimus quantities of solid materials may be discharged into the Mississippi River. Estimates of such discharges will be retained by the

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permittee; however, the total phosphorous (as P) will be reported on their monthly Discharge Monitoring Report as required in Part I, Final Outfall 001.

X. 316(b) PHASE II RULE REQUIREMENTS

1. On July 6, 2004, EPA promulgated 'Phase II' regulations in accordance with section 316(b) of the Clean Water Act (CWA). On January 25, 2007, the Second U.S. Circuit Court of Appeals remanded several provisions of the Phase II rule. On March 20, 2007, EPA issued a memo saying, "the rule should be considered suspended." On July 9, 2007, EPA published a Federal Register notice suspending all parts of the Phase II regulations except 40 CFR 125.90(b) [LAC 33:IX.4731.B].

LAC 33:IX.4731.B provides for regulating cooling water intake structures for existing facilities on a case-by-case basis using best professional judgment.

When EPA re-promulgates the Phase II regulations, the provisions and time lines in the rule will supersede any requirements contained in this permit.

In order to reduce the environmental impact caused by the cooling water intake structure (CWIS), the permittee shall comply with effective regulations promulgated in accordance with section 316(b) of the CWA for cooling water intake structures. The permittee must evaluate the environmental impacts of their CWIS by characterizing the fish/shellfish in the vicinity of the CWIS and assessing impingement mortality and entrainment. Based on the information submitted to LDEQ, the permit may be reopened to incorporate limitations and/or requirements for the CWIS.

2. Within one year of the effective date of this permit, the permittee must submit a plan to develop the information in item 3. of this section. The plan must be submitted to LDEQ for review and approval and must include an evaluation of existing data and/or collection of additional data to support the determination of 'baseline conditions' and current operational conditions.
3. The permittee must submit the following information to LDEQ within four (4) years from the effective date of this permit.
 - a. Source water physical data. These include:
 - i. A narrative description and scaled drawings showing the physical configuration of the source water body used by your facility, including areal dimensions, depths, salinity, temperature regimes, and other documentation that supports your assessment of the water body;
 - ii. Identification and characterization of the source water body's hydrological and geomorphological features, as well as the methods used to conduct any physical studies to

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determine your intake's area of influence within the water body and the results of such studies; and

iii. Location maps.

b. Cooling water intake structure data. These include:

- i. A narrative description of the configuration of your CWIS and where it is located in the water body and in the water column;
- ii. Latitude and longitude in degrees, minutes, and seconds of your CWIS;
- iii. A narrative description of the operation of your CWIS, including design intake flows, daily hours of operation, number of days of the year in operation and seasonal changes, if applicable;
- iv. A flow distribution and water balance diagram that includes all sources of water to the facility, recirculating flows, and discharges; and
- v. Engineering drawings of the CWIS.

c. Cooling water system data. The permittee must provide the following information for their cooling water system:

- i. A narrative description of the operation of the cooling water system, its relationship to CWIS, the proportion of the design intake flow that is used in the system, the number of days of the year the cooling water system is in operation and seasonal changes in the operation of the system, if applicable; and
- ii. Design and engineering calculations prepared by a qualified professional and supporting data to support the description required by 3.c.i of this section.

d. Source water biological characterization data. This information is required to characterize the biological community in the vicinity of the CWIS and to characterize the environmental impacts of the CWIS. This supporting information must include existing data (if they are available). However, you may supplement the data using newly conducted field studies if you choose to do so. The information you submit must include:

- i. A list of species for all life stages of fish and shellfish in the vicinity of your CWIS and their relative abundance (population) in the vicinity of the CWIS;

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- ii. Identification and evaluation of periods of reproduction, larval recruitment, and peak abundance for species in item 3.d.i of this section;
 - iii. Data representative of the seasonal and daily activities (e.g., feeding and water column migration) of species in item 3.d.i of this section; and
 - iv. Identification of all threatened, endangered, and other protected species that might be susceptible to impingement and entrainment at your CWIS.
- e. Impingement mortality/entrainment characterization assessment. The permittee must provide information to support the determination of the baseline condition and the current impingement mortality and entrainment of all life stages of fish and shellfish referred to in item 3.d. of this section. The information may include historical data that are representative of the current operations of your facility and biological conditions at your site.
- f. If historical data is used, the permittee must provide documentation that the historical data is representative of current operational conditions.
- g. Assessment of the cooling water system. This includes:
- i. A discussion or description of how structural or operational actions that are currently in place reduce adverse environmental impacts caused by the cooling water intake.
 - ii. A discussion of additional structural or operational actions, if any, that have been reviewed or evaluated as possible measures to further reduce environmental impacts caused by the cooling water intake.
4. A sampling plan is required if actual field studies in the source water body are used to collect biological characteristics data. The sampling plan must document all methods and quality assurance procedures for sampling, and data analysis. The sampling and data analysis methods you propose must be appropriate for a quantitative survey and based on consideration of methods used in other studies performed in the source water body. The sampling plan must include a description of the study area (including the area of influence of the cooling water intake structure and at least 100 meters beyond); taxonomic identification of the sampled or evaluated biological assemblages (including all life stages of fish and shellfish); and sampling and data analysis methods.
5. Source water biological characterization data are not required if the permittee can demonstrate that the facility uses only a closed-cycle recirculating system for withdrawal of all cooling water.
6. The following special definitions apply to this subpart:

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- a. **Baseline conditions** means the impingement mortality and entrainment that would occur at your site assuming that (1) the cooling water system has been designed as a once-through system, (2) the opening of the CWIS is located at, and the face of the standard 3/8-inch mesh traveling screen is oriented parallel to, the shoreline near the surface of the source water body.
- b. **Closed-cycle recirculating system** means a system designed, using minimized makeup and blow down flows, to withdraw water from a natural or other water source to support contact and/or non-contact cooling uses within a facility. The water is usually sent to a cooling canal or channel, lake, pond, or tower to allow waste heat to be dissipated to the atmosphere and then is returned to the system. (Some facilities divert the waste heat to other process operations.) New source water (make-up water) is added to the system to replenish losses that have occurred due to blow down, drift, and evaporation.
- c. **Cooling water** means water used for contact or non-contact cooling, including water used for equipment cooling, evaporative cooling tower makeup, and dilution of effluent heat content. The intended use of the cooling water is to absorb waste heat rejected from the process or processes used, or from auxiliary operations on the facility's premises.
- d. **Cooling water intake structure** means the total physical structure and any associated constructed waterways used to withdraw cooling water from waters of the U.S. The cooling water intake structure extends from the point at which water is withdrawn from the surface water source up to, and including, the intake pumps.
- e. **Intake flow** means the value of the total volume of water withdrawn from a source water body over a specific time period.
- f. **Intake velocity** means the value of the average speed at which intake water passes through the open area of the intake screen (or other device) against which organisms might be impinged or through which they might be entrained.
- g. **Entrainment** means the incorporation of all life stages of fish and shellfish with intake water flow entering and passing through a cooling water intake structure and into a cooling water system.
- h. **Hydraulic zone of influence** means that portion of the source water body hydraulically affected by the cooling water intake structure withdrawal of water.
- i. **Impingement** means the entrapment of all life stages of fish and shellfish on the outer part of an intake structure or against a screening device during periods of intake water withdrawal.
- j. **Maximize** means to increase to the greatest amount, extent, or degree reasonably possible.

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- k. **Minimize** means to reduce to the smallest amount, extent, or degree reasonably possible.

- l. **Source water** means the water body (waters of the state) from

Y. BIOMONITORING REPRESENTATIVE SAMPLING

The permittee shall collect biomonitoring samples representative of the previous month's maximum weekly average discharge at Internal Outfall 004. The inactive gypsum stack storm drainage is an intermittent flow which presently contains substantial toxicity. Inclusion of the previous month's highest weekly portion (volume % of total flow) of the intermittent inactive gypsum stack storm drainage (Internal Outfall 004) must be included in each biomonitoring test sample. A report containing supporting information or data to provide the maximum weekly percentage of inactive stack water in the previous month's effluent must accompany each biomonitoring report. (See Part II.Z.3.d.v)

Z. 48 HR ACUTE BIOMONITORING REQUIREMENTS: FRESHWATER

It is unlawful and a violation of this permit for a permittee or the designated agent to manipulate test samples in any manner, to delay shipment, or to terminate a toxicity test. Once initiated, all toxicity tests must be completed unless specific authority has been granted by the Louisiana Department of Environmental Quality.

1. SCOPE AND METHODOLOGY

- a. The permittee shall test the effluent for toxicity in accordance with the provisions in this section.

APPLICABLE TO OUTFALL(S): 001 (*1)

(*1) Toxicity testing shall be conducted on the total combined flow at Final Outfall 001 which includes Internal Outfalls 101, 201, 301, 002, (including Internal Outfalls 102, 202, 302, 402, and 502), 003, and 004.

CRITICAL DILUTION: 6%

EFFLUENT DILUTION SERIES: 2%, 3%, 4%, 6%, and 7%

COMPOSITE SAMPLE TYPE: Defined at PART 1

TEST SPECIES/METHODS: 40 CFR Part 136 (See LAC 33:IX.4901)

Daphnia pulex acute static renewal 48-hour definitive toxicity test using EPA 821-R-02-012, or the latest update thereof. A minimum of five (5) replicates with ten (10) organisms per replicate must be used in the control and in each effluent dilution of this test.

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Pimephales promelas (Fathead minnow) acute static renewal 48-hour definitive toxicity test using EPA 821-R-02-012, or the latest update thereof. A minimum of five (5) replicates with ten (10) organisms per replicate must be used in the control and in each effluent dilution of this test.

- b. The NOEC (No Observed Effect Concentration) is defined as the greatest effluent dilution at and below which lethality that is statistically different from the control (0% effluent) at the 95% confidence level does not occur.
- c. This permit may be reopened to require whole effluent toxicity limits, chemical specific effluent limits, additional testing, and/or other appropriate actions to address toxicity.
- d. Test failure is defined as a demonstration of statistically significant sub-lethal or lethal effects to a test species at or below the effluent critical dilution.

2. PERSISTENT LETHALITY

The requirements of this subsection apply only when a toxicity test demonstrates significant lethal effects at or below the critical dilution. Significant lethal effects are herein defined as a statistically significant difference at the 95% confidence level between the survival of the appropriate test organism in a specified effluent dilution and the control (0% effluent).

If any valid test demonstrates significant lethal effects to a test species at or below the critical dilution, the frequency of testing for that species is automatically increased to once per quarter for the term of the permit.

- a. The permittee shall conduct a total of three (3) additional tests for any species that demonstrates statistically significant lethal toxic effects at the critical dilution or lower effluent dilutions. The additional tests shall be conducted monthly during the next three consecutive months in which a discharge occurs to determine if toxicity is persistent or occurs on a periodic basis. The purpose of this testing is to determine whether toxicity is present at a level and frequency that will provide toxic sample results to use in performing a Toxicity Reduction Evaluation (TRE). If no additional test failures occur during the retest monitoring period, the testing frequency will be once per quarter for the term of the permit or until another test failure occurs. The permittee may substitute one of the additional tests in lieu of one routine toxicity test. A full report shall be prepared for each test required by this section in accordance with procedures outlined in Item 4 of this section and submitted with the period discharge monitoring report (DMR) to the permitting authority for review.

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- b. If any of the valid additional tests demonstrates significant lethal effects at or below the critical dilution, the permittee shall initiate Toxicity Reduction Evaluation (TRE) requirements as specified in Item 6 of this section. The permittee shall notify the Department of Environmental Quality, Office of Environmental Compliance - Permit Compliance Unit in writing within 5 days of the failure in any retest, and the TRE initiation date will be the test completion date of the first failed retest. A TRE may also be required due to a demonstration of intermittent lethal effects at or below the critical dilution, or for failure to perform the required retests.
- c. The provisions of Item 2.a are suspended upon submittal of the TRE Action Plan.

3. REQUIRED TOXICITY TESTING CONDITIONSa. Test Acceptance

The permittee shall repeat a test, including the control and all effluent dilutions, if the procedures and quality assurance requirements defined in the test methods or in this permit are not satisfied, including the following additional criteria:

- i. Each toxicity test control (0% effluent) must have a survival equal to or greater than 90%.
- ii. The percent coefficient of variation between replicates shall be 40% or less in the control (0% effluent) for: Daphnia pulex survival test; and Fathead minnow survival test.
- iii. The percent coefficient of variation between replicates shall be 40% or less in the critical dilution, unless significant lethal effects are exhibited for: Daphnia pulex survival test; and Fathead minnow survival test.

Test failure may not be construed or reported as invalid due to a coefficient of variation value of greater than 40%. A repeat test shall be conducted within the required reporting period of any test determined to be invalid.

b. Statistical Interpretation

For the Daphnia pulex survival test and the Fathead minnow survival test, the statistical analyses used to determine if there is a statistically significant difference between the control and the critical dilution shall be in accordance with the methods for determining the No Observed Effect Concentration (NOEC) as described in EPA 821-R-02-012, or the most recent update thereof.

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If the conditions of Test Acceptability are met in Item 3.a above and the percent survival of the test organism is equal to or greater than 90% in the critical dilution concentration and all lower dilution concentrations, the test shall be considered to be a passing test regardless of the NOEC, and the permittee shall report a NOEC of not less than the critical dilution for the DMR reporting requirements found in Item 4 below.

c. Dilution Water

- i. Dilution water used in the toxicity tests will be receiving water collected as close to the point of discharge as possible but unaffected by the discharge. The permittee shall substitute synthetic dilution water of similar pH, hardness and alkalinity to the closest downstream perennial water for;
 - (A) toxicity tests conducted on effluent discharges to receiving water classified as intermittent streams; and
 - (B) toxicity tests conducted on effluent discharges where no receiving water is available due to zero flow conditions.
- ii. If the receiving water is unsatisfactory as a result of instream toxicity (fails to fulfill the test acceptance criteria of Item 3.a), the permittee may substitute synthetic dilution water for the receiving water in all subsequent tests provided the unacceptable receiving water test met the following stipulations:
 - (A) a synthetic dilution water control which fulfills the test acceptance requirements of Item 3.a was run concurrently with the receiving water control;
 - (B) the test indicating receiving water toxicity has been carried out to completion (i.e., 48 hours);
 - (C) the permittee includes all test results indicating receiving water toxicity with the full report and information required by Item 4 below; and
 - (D) the synthetic dilution water shall have a pH, hardness and alkalinity similar to that of the receiving water or closest downstream perennial water not adversely affected by the discharge, provided the magnitude of these parameters will not cause toxicity in the synthetic dilution water.

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d. Samples and Composites

- i. The permittee shall collect two 24-hour flow-weighted composite samples from the outfall(s) listed at Item 1.a above. A 24-hour composite sample consists of a minimum of 4 effluent portions collected at equal time intervals representative of a 24-hour operating day and combined proportional to flow or a sample continuously collected proportional to flow over a 24-hour operating day.
- ii. The permittee shall collect a second 24-hour composite sample for use during the 24-hour renewal of each dilution concentration for both tests. The permittee must collect the 24-hour composite samples so that the maximum holding time for any effluent sample shall not exceed 36 hours. The permittee must have initiated the toxicity test within 36 hours after the collection of the last portion of the first 24-hour composite sample. Samples shall be chilled to 0-6 degrees Centigrade during collection, shipping and/or storage.
- iii. The permittee must collect the 24-hour composite samples such that the effluent samples are representative of any periodic episode of chlorination, biocide usage or other potentially toxic substance discharged on an intermittent basis.
- iv. If the flow from the outfall(s) being tested ceases during the collection of effluent samples, the requirements for the minimum number of effluent samples, the minimum number of effluent portions and the sample holding time are waived during that sampling period. However, the permittee must collect an effluent composite sample volume during the period of discharge that is sufficient to complete the required toxicity tests with daily renewal of effluent. When possible, the effluent samples used for the toxicity tests shall be collected on separate days. The effluent composite sample collection duration and the static renewal protocol associated with the abbreviated sample collection must be documented in the full report required in Item 4. of this section.
- v. The permittee shall combine the 24-hour composite effluent samples in proportion to the average flow from the outfalls listed in item 1.a above for the day the sample was collected. The permittee shall perform the toxicity test on the flow-weighted composite of the outfall samples.

Please note that for the 24-hour period when the biomonitoring sample is collected, if the flow from Internal Outfall 004 is less than the previous month's maximum weekly average, the permittee must augment the percentage so that

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the percentage of Internal Outfall 004 (volume % of total flow) is equivalent to the previous month's maximum weekly average flow. (See Part II.Y)

4. REPORTING

- a. A valid test must be completed and test results must be submitted for each species during each Monitoring Period. The permittee shall prepare a full report of the results of all tests conducted pursuant to this Part in accordance with the Report Preparation Section of EPA 821-R-02-012, for every valid or invalid toxicity test initiated, whether carried to completion or not. The permittee shall retain each full report pursuant to the provisions of Part III.C.3 of this permit. For any test which fails, is considered invalid or which is terminated early for any reason, the full report must be submitted for agency review. The permittee shall submit the first full report to the following address:

Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
P.O. Box 4312
Baton Rouge, Louisiana 70821-4312
Attn: Permit Compliance Unit

- b. The permittee shall submit the results of each valid toxicity test on the DMR for that Monitoring Period in accordance with Part III.D.4 of this permit. Submit retest information clearly marked as such on the DMR for the Monitoring Period in which the retest occurred. Only results of valid tests are to be reported on the DMR. The permittee shall submit the Table 1 Summary Sheet with each valid test.

i. Pimephales promelas (Fathead minnow)

- (A) If the No Observed Effect Concentration (NOEC) for survival is less than the critical dilution, enter a "1"; otherwise, enter a "0" for Parameter No. TEM6C.
- (B) Report the NOEC value for survival, Parameter No. TOM6C.
- (C) Report the highest (critical dilution or control) Coefficient of Variation, Parameter No. TQM6C.

ii. Daphnia pulex

- (A) If the NOEC for survival is less than the critical dilution, enter a "1"; otherwise, enter a "0" for Parameter No. TEM3D.

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- (B) Report the NOEC value for survival, Parameter No. TOM3D.
- (C) Report the highest (critical dilution or control) Coefficient of Variation, Parameter No. TQM3D.
- iii. The permittee shall report the following results for all VALID toxicity retests on the DMR for that Monitoring Period.
 - (A) Retest #1 (STORET 22415): If the first monthly retest following failure of a routine test for either test species results in an NOEC for survival less than the critical dilution, report a "1"; otherwise, report a "0".
 - (B) Retest #2 (STORET 22416): If the second monthly retest following failure of a routine test for either test species results in an NOEC for survival less than the critical dilution, report a "1"; otherwise, report a "0".
 - (C) Retest #3 (STORET 51443): If the third monthly retest following failure of a routine test for either test species results in an NOEC for survival less than the critical dilution, report a "1"; otherwise, report a "0".

If, for any reason, a retest cannot be performed during the Monitoring Period in which the triggering routine test failure is experienced, the permittee shall report it on the following Monitoring Period's DMR, and the comments section of the DMRs shall be annotated to that effect. If retesting is not required during a given Monitoring Period, the permittee shall leave these DMR fields blank.

The permittee shall submit the toxicity testing information contained in Table 1 of this permit with the DMR subsequent to each and every toxicity test Monitoring Period. The DMR and the summary tables should be sent to the address indicated in 4.a.

5. MONITORING FREQUENCY REDUCTION

- a. Upon successfully passing the first four quarters of WET testing after permit issuance/reissuance and in the absence of subsequent lethal toxicity for one or both test species at or below the critical dilution, the permittee may apply for a testing frequency reduction. If granted, the monitoring frequency for that test species may be reduced to not less than once per year for the less sensitive species (usually the Fathead minnow) and not less than once per six months for the more sensitive test species (usually the *Daphnia pulex*). Monitoring frequency reduction shall not apply to monitoring frequencies of once per year.

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- b. CERTIFICATION - The permittee must certify in writing that no test failures have occurred and that all tests meet all test acceptability criteria in Item 3.a. above. In addition, the permittee must provide a list with each test performed including test initiation date, species, NOEC's for lethal and sub-lethal effects and the maximum coefficient of variation for the controls. Upon review and acceptance of this information the agency will issue a letter of confirmation of the monitoring frequency reduction. A copy of the letter will be forwarded to the agency's Permit Compliance Unit to update the permit reporting requirements.
- c. This monitoring frequency reduction applies only until the expiration date of this permit, at which time the Monitoring Frequency/Monitoring Period for both test species reverts to once per quarter until the permit is re-issued.
- d. SURVIVAL FAILURES - If any test fails the survival endpoint at any time during the term of this permit, three monthly retests are required and the monitoring frequency for the affected test species shall be increased to once per quarter until the permit is reissued. Monthly retesting is not required if the permittee is performing a TRE.

6. TOXICITY REDUCTION EVALUATION (TRE)

- a. Within ninety (90) days of confirming lethality in the retests, the permittee shall submit a Toxicity Reduction Evaluation (TRE) Action Plan and Schedule for conducting a TRE. The TRE Action Plan shall specify the approach and methodology to be used in performing the TRE. A Toxicity Reduction Evaluation is an investigation intended to determine those actions necessary to achieve compliance with water quality-based effluent requirements/and or chemical-specific limits by reducing an effluent's toxicity to an acceptable level. A TRE is defined as a step-wise process which combines toxicity testing and analyses of the physical and chemical characteristics of a toxic effluent to identify the constituents causing effluent toxicity and/or treatment methods which will reduce the effluent toxicity. The TRE Action Plan shall lead to the successful elimination of effluent toxicity at the critical dilution and include the following:
 - i. Specific Activities. The plan shall detail the specific approach the permittee intends to utilize in conducting the TRE. The approach may include toxicity characterizations, identifications and confirmation activities, source evaluation, treatability studies, or alternative approaches. When the permittee conducts Toxicity Characterization Procedures the permittee shall perform multiple characterizations and follow the procedures specified in the document "Methods for Aquatic Toxicity Identification Evaluations: Phase I Toxicity Characterization Procedures"

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(EPA-600/6-91/003) or alternate procedures. When the permittee conducts Toxicity Identification Evaluations and Confirmations, the permittee shall perform multiple identifications and follow the methods specified in the documents "Methods for Aquatic Toxicity Identification Evaluations, Phase II Toxicity Identification Procedures for Samples Exhibiting Acute and Chronic Toxicity" (EPA/600/R-92/080) and "Methods for Aquatic Toxicity Identification Evaluations, Phase III Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity" (EPA/600/R-92/081), as appropriate.

The documents referenced above may be obtained through the National Technical Information Service (NTIS) by phone at (703) 487-4650, or by writing:

U.S. Department of Commerce
National Technical Information Service
5285 Port Royal Road
Springfield, Va. 22161

- ii. Sampling Plan (e.g., locations, methods, holding times, chain of custody, preservation, etc.). The effluent sample volume collected for all tests shall be adequate to perform the toxicity test, toxicity characterization, identification and confirmation procedures, and conduct chemical specific analyses when a probable toxicant has been identified;

Where the permittee has identified or suspects specific pollutant(s) and/or source(s) of effluent toxicity, the permittee shall conduct, concurrent with toxicity testing, chemical specific analyses for the identified and/or suspected pollutant(s) and/or source(s) of effluent toxicity. Where lethality was demonstrated within 24 hours of test initiation, each composite sample shall be analyzed independently. Otherwise the permittee may substitute a composite sample, comprised of equal portions of the individual composite samples, for the chemical specific analysis;

- iii. Quality Assurance Plan (e.g., QA/QC implementation, corrective actions, etc.); and
 - iv. Project Organization (e.g., project staff, project manager, consulting services, etc.).
- b. The permittee shall initiate the TRE Action Plan within thirty (30) days of plan and schedule submittal. The permittee shall assume all risks for failure to achieve the required toxicity reduction.
 - c. The permittee shall submit a quarterly TRE Activities Report, with the Discharge Monitoring Report in the months of January, April,

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July and October, containing information on toxicity reduction evaluation activities including:

- i. any data and/or substantiating documentation which identify the pollutant(s) and/or source(s) of effluent toxicity;
- ii. any studies/evaluations and results on the treatability of the facility's effluent toxicity; and
- iii. any data which identify effluent toxicity control mechanisms that will reduce effluent toxicity to the level necessary to achieve compliance with permit biomonitoring requirements and/or chemical-specific limits.

The TRE Activities Report shall be submitted to the following addresses:

Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
P.O. Box 4312
Baton Rouge, Louisiana 70821-4312
Attn: Permit Compliance Unit

U.S. Environmental Protection Agency, Region 6
Water Enforcement Branch, 6 EN-WC
1445 Ross Avenue
Dallas, Texas 75202

- d. The permittee shall submit a Final Report on Toxicity Reduction Evaluation Activities no later than twenty-eight (28) months from confirming lethality in the retests, which provides information pertaining to the specific control mechanism selected that will, when implemented, result in the permittee achieving compliance with permit biomonitoring requirements and/or chemical-specific limits. The report will also provide a specific corrective action schedule for implementing the selected control mechanism.

A copy of the Final Report on Toxicity Reduction Evaluation Activities shall also be submitted to the above addresses.

- e. Quarterly testing during the TRE is a minimum monitoring requirement. LDEQ recommends that permittees required to perform a TRE not rely on quarterly testing alone to ensure success in the TRE, and that additional screening tests be performed to capture toxic samples for identification of toxicants. At the end of the TRE, LDEQ will consider all information submitted and establish appropriate controls to prevent future toxic discharges, including WET and/or chemical-specific limits per state regulations at LAC 33:IX.2707.D.1.e.

TABLE 1
SUMMARY SHEET
Daphnia pulex ACUTE SURVIVAL TEST RESULTS

PERMITTEE: Mosaic Fertilizer, LLC
 FACILITY SITE: Uncle Sam Plant
 LPDES PERMIT NUMBER: LA0004847, 2532
 OUTFALL IDENTIFICATION: 001
 OUTFALL SAMPLE IS FROM _____ SINGLE _____ MULTIPLE DISCHARGES
 BIOMONITORING LABORATORY: _____
 DILUTION WATER USED: _____ RECEIVING WATER _____ LAB WATER
 CRITICAL DILUTION 6% DATE TEST INITIATED _____

1. LOW-FLOW LETHALITY:

Is the mean survival at 48 hours significantly less ($p=0.05$) than the control survival for the low flow or critical dilution?

_____ yes _____ no

DILUTION SERIES RESULTS-DAPHNIA

TIME OF READING	REP	0%	2%	3%	4%	6%	7%
24-HOUR	A						
	B						
	C						
	D						
	E						
48-HOUR	A						
	B						
	C						
	D						
	E						
MEAN							

2. Are the test results to be considered valid? _____ yes _____ no
 If X no (test invalid), what are the reasons for invalidity?
3. Is this a retest of a previous invalid test? _____ yes _____ no
 Is this a retest of a previous test failure? _____ yes _____ no
4. Enter percent effluent corresponding to each NOEC (No Observed Effect Concentration) for Daphnia pulex:
 NOEC = _____ % effluent
 LC₅₀48 = _____ % effluent

TABLE 1
SUMMARY SHEET
Pimephales promelas ACUTE SURVIVAL TEST RESULTS

PERMITTEE: Mosaic Fertilizer, LLC
 FACILITY SITE: Uncle Sam Plant
 LPDES PERMIT NUMBER: LA0004847, 2532
 OUTFALL IDENTIFICATION: 001
 OUTFALL SAMPLE IS FROM _____ SINGLE _____ MULTIPLE DISCHARGES
 BIOMONITORING LABORATORY: _____
 DILUTION WATER USED: _____ RECEIVING WATER _____ LAB WATER
 CRITICAL DILUTION 6% DATE TEST INITIATED _____

1. LOW-FLOW LETHALITY:

Is the mean survival at 48 hours significantly less ($p=0.05$) than the control survival for the low flow or critical dilution?

_____yes _____no

DILUTION SERIES RESULTS-PIMEPHALES

TIME OF READING	REP	0%	2%	3%	4%	6%	7%
24-HOUR	A						
	B						
	C						
	D						
	E						
48-HOUR	A						
	B						
	C						
	D						
	E						
MEAN							

2. Are the test results to be considered valid? _____yes _____no
 If X no (test invalid), what are the reasons for invalidity?

3. Is this a retest of a previous invalid test? _____yes _____no
 Is this a retest of a previous test failure? _____yes _____no

4. Enter percent effluent corresponding to each NOEC (No Observed Effect Concentration) for Pimephales:

NOEC = _____% effluent

LC₅₀48 = _____% effluent

PART III
STANDARD CONDITIONS FOR LPDES PERMITS

SECTION A. GENERAL CONDITIONS

1. Introduction

In accordance with the provisions of LAC 33:IX.2701, et seq., this permit incorporates either expressly or by reference ALL conditions and requirements applicable to Louisiana Pollutant Discharge Elimination System Permits (LPDES) set forth in the Louisiana Environmental Quality Act (LEQA), as amended, as well as ALL applicable regulations.

2. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act (CWA) and the Louisiana Environmental Quality Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

3. Penalties for Violation of Permit Conditions

- a. LA. R. S. 30:2025 provides for civil penalties for violations of these regulations and the Louisiana Environmental Quality Act. LA. R. S. 30:2076.2 provides for criminal penalties for violation of any provisions of the LPDES or any order or any permit condition or limitation issued under or implementing any provisions of the LPDES program. (See Section E. Penalties for Violation of Permit Conditions for additional details).
- b. Any person may be assessed an administrative penalty by the State Administrative Authority under LA. R. S. 30:2025 for violating a permit condition or limitation implementing any of the requirements of the LPDES program in a permit issued under the regulations or the Louisiana Environmental Quality Act.

4. Toxic Pollutants

- a. Other effluent limitations and standards under Sections 301, 302, 303, 307, 318, and 405 of the Clean Water Act. If any applicable toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the Clean Water Act for a toxic pollutant and that standard or prohibition is more stringent than any limitation on the pollutant in this permit, the state administrative authority shall institute proceedings under these regulations to modify or revoke and reissue the permit to conform to the toxic effluent standard or prohibition.
- b. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions, or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.

5. Duty to Reapply

- a. Individual Permits. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The new application shall be submitted at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the state administrative authority. (The state administrative authority shall not grant permission for applications to be submitted later than the expiration date of the existing permit.) Continuation of expiring permits shall be governed by regulations promulgated at LAC 33:IX.2321 and any subsequent amendments.

- b. General Permits. General permits expire five years after the effective date. The 180-day reapplication period as defined above is not applicable to general permit authorizations. Reissued general permits may provide automatic coverage for permittees authorized under the previous version of the permit, and no new application is required. Requirements for obtaining authorization under the reissued general permit will be outlined in Part I of the new permit. Permittees authorized to discharge under an expiring general permit should follow the requirements for obtaining coverage under the new general permit to maintain discharge authorization.

6. Permit Action

This permit may be modified, revoked and reissued, or terminated for cause in accordance with LAC 33:IX.2903, 2905, 2907, 3105 and 6509. The causes may include, but are not limited to, the following:

- a. Noncompliance by the permittee with any condition of the permit;
- b. The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time;
- c. A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination;
- d. A change in any condition that requires either a temporary or a permanent reduction or elimination of any discharge; or
- e. Failure to pay applicable fees under the provisions of LAC 33: IX. Chapter 13;
- f. Change of ownership or operational control;

The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

7. Property Rights

This permit does not convey any property rights of any sort, or any exclusive privilege.

8. Duty to Provide Information

The permittee shall furnish to the state administrative authority, within a reasonable time, any information which the state administrative authority may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the state administrative authority, upon request, copies of records required to be kept by this permit.

9. Criminal and Civil Liability

Except as provided in permit conditions on "Bypassing" and "Upsets", nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. Any false or materially misleading representation or concealment of information required to be reported by the provisions of the permit, the Act, or applicable regulations, which avoids or effectively defeats the regulatory purpose of the Permit may subject the Permittee to criminal enforcement pursuant to La. R.S. 30:2025.

10. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act.

11. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the Clean Water Act.

12. Severability

If any provision of these rules and regulations, or the application thereof, is held to be invalid, the remaining provisions of these rules and regulations shall not be affected, so long as they can be given effect without the invalid provision. To this end, the provisions of these rules and regulations are declared to be severable.

13. Dilution

A permittee shall not achieve any effluent concentration by dilution unless specifically authorized in the permit. A permittee shall not increase the use of process water or cooling water or otherwise attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve permit limitations or water quality.

14. Facilities Requiring Approval from Other State Agencies

In accordance with La R.S.40.4(A)(6) the plans and specifications of all sanitary sewerage treatment systems, both public and private, must be approved by the Department of Health and Hospitals state health officer or his designee. It is unlawful for any person, firm, or corporation, both municipal and private to operate a sanitary sewage treatment facility without proper authorization from the state health officer.

In accordance with La R.S.40.1149, it is unlawful for any person, firm or corporation, both municipal and private, operating a sewerage system to operate that system unless the competency of the operator is duly certified by the Department of Health and Hospitals state health officer. Furthermore, it is unlawful for any person to perform the duties of an operator without being duly certified.

In accordance with La R.S.48.385, it is unlawful for any industrial wastes, sewage, septic tanks effluent, or any noxious or harmful matter, solid, liquid or gaseous to be discharged into the side or cross ditches or placed upon the rights-of-ways of state highways without the prior written consent of the Department of Transportation and Development chief engineer or his duly authorized representative and of the secretary of the Department of Health and Hospitals.

SECTION B. PROPER OPERATION AND MAINTENANCE**1. Need to Halt or Reduce not a Defense**

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

2. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. The permittee shall also take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with the permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

3. Proper Operation and Maintenance

- a. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.
- b. The permittee shall provide an adequate operating staff which is duly qualified to carry out operation, maintenance and other functions necessary to ensure compliance with the conditions of this permit.

4. Bypass of Treatment Facilities

- a. Bypass. The intentional diversion of waste streams from any portion of a treatment facility.
- b. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Section B.4.c. and 4.d of these standard conditions.
- c. Notice
 - (1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Office of Environmental Services, Water Permits Division, if possible at least ten days before the date of the bypass.
 - (2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in LAC 33:IX.2701.L.6, (24-hour notice) and Section D.6.e. of these standard conditions.
- d. Prohibition of bypass
 - (1) Bypass is prohibited, and the state administrative authority may take enforcement action against a permittee for bypass, unless:
 - (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and,
 - (c) The permittee submitted notices as required by Section B.4.c of these standard conditions.
 - (2) The state administrative authority may approve an anticipated bypass after considering its adverse effects, if the state administrative authority determines that it will meet the three conditions listed in Section B.4.d(1) of these standard conditions.

5. Upset Conditions

- a. Upset. An exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- b. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Section B.5.c. are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
- c. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
 - (2) The permitted facility was at the time being properly operated; and
 - (3) The permittee submitted notice of the upset as required by LAC 33:IX.2701.L.6.b.ii. and Section D.6.e.(2) of these standard conditions; and

- (4) The permittee complied with any remedial measures required by Section B.2 of these standard conditions.

d. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

6. Removed Substances

Solids, sewage sludges, filter backwash, or other pollutants removed in the course of treatment or wastewater control shall be properly disposed of in a manner such as to prevent any pollutant from such materials from entering waters of the state and in accordance with environmental regulations.

7. Percent Removal

For publicly owned treatment works, the 30-day average percent removal for Biochemical Oxygen Demand and Total Suspended Solids shall not be less than 85 percent in accordance with LAC 33:IX.5905.A.3. and B.3.

SECTION C. MONITORING AND RECORDS

1. Inspection and Entry

The permittee shall allow the state administrative authority or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon the presentation of credentials and other documents as may be required by the law to:

- a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit.

Enter upon the permittee's premises where a discharge source is or might be located or in which monitoring equipment or records required by a permit are kept for inspection or sampling purposes. Most inspections will be unannounced and should be allowed to begin immediately, but in no case shall begin more than thirty (30) minutes after the time the inspector presents his/her credentials and announces the purpose(s) of the inspection. Delay in excess of thirty (30) minutes shall constitute a violation of this permit. However, additional time can be granted if the inspector or the Administrative Authority determines that the circumstances warrant such action; and

- b. Have access to and copy, at reasonable times, any records that the department or its authorized representative determines are necessary for the enforcement of this permit. For records maintained in either a central or private office that is open only during normal office hours and is closed at the time of inspection, the records shall be made available as soon as the office is open, but in no case later than the close of business the next working day;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act or the Louisiana Environmental Quality Act, any substances or parameters at any location.

e. Sample Collection

- (1) When the inspector announces that samples will be collected, the permittee will be given an additional thirty (30) minutes to prepare containers in order to collect duplicates. If the permittee cannot obtain and prepare sample containers within this time, he is considered to have waived his right to collect duplicate samples and the sampling will proceed immediately. Further delay on the part of the permittee in allowing initiation of the sampling will constitute a violation of this permit.
- (2) At the discretion of the administrative authority, sample collection shall proceed immediately (without the additional 30 minutes described in Section C.1.a. above) and the inspector shall supply the permittee with a duplicate sample.

- f. It shall be the responsibility of the permittee to ensure that a facility representative familiar with provisions of its wastewater discharge permit, including any other conditions or limitations, be available either by phone or in person at the facility during all hours of operation. The absence of such personnel on-site who are familiar with the permit shall not be grounds for delaying the initiation of an inspection except in situations as described in Section C.1.b. of these standard conditions. The permittee shall be responsible for providing witnesses/escorts during inspections. Inspectors shall abide by all company safety rules and shall be equipped with standard safety equipment (hard hat, safety shoes, safety glasses) normally required by industrial facilities.
- g. Upon written request copies of field notes, drawings, etc., taken by department personnel during an inspection shall be provided to the permittee after the final inspection report has been completed.

2. Representative Sampling

Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. All samples shall be taken at the outfall location(s) indicated in the permit. The state administrative authority shall be notified prior to any changes in the outfall location(s). Any changes in the outfall location(s) may be subject to modification, revocation and reissuance in accordance with LAC 33:IX.2903.

3. Retention of Records

Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR 503), the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report, or application. This period may be extended by request of the state administrative authority at any time.

4. Record Contents

Records of monitoring information shall include:

- a. The date, exact place, and time of sampling or measurements;
- b. The individual(s) who performed the sampling or measurements;
- c. The date(s) analyses were performed;
- d. The time(s) analyses were begun;
- e. The individual(s) who performed the analyses;
- f. The analytical techniques or methods used;
- g. The results of such analyses; and
- h. The results of all quality control procedures.

5. Monitoring Procedures

- a. Monitoring results must be conducted according to test procedures approved under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503, unless other test procedures have been specified in this permit.
- b. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instruments at intervals frequent enough to insure accuracy of measurements and shall maintain appropriate records of such activities.
- c. The permittee or designated laboratory shall have an adequate analytical quality assurance/quality control program to produce defensible data of known precision and accuracy. All quality control measures shall be assessed and evaluated on an on-going basis and quality control acceptance criteria shall be used to determine the validity of the data. All method specific quality control as prescribed in the method shall be followed. If quality control requirements are not included in the method, the permittee or designated laboratory shall follow the quality control requirements as prescribed in the Approved Edition (40 CFR Part 136) Standard Methods for the Examination of Water and Wastes, Sections 1020A and 1020B. General sampling protocol shall follow guidelines established in the

"Handbook for Sampling and Sample Preservation of Water and Wastewater, 1982 "U.S. Environmental Protection Agency. This publication is available from the National Technical Information Service (NTIS), Springfield, VA 22161, Phone number (800) 553-6847. Order by NTIS publication number PB-83-124503.

6. Flow Measurements

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to insure that the accuracy of the measurements are consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than 10% from true discharge rates throughout the range of expected discharge volumes. Guidance in selection, installation, calibration and operation of acceptable flow measurement devices can be obtained from the following references:

- a. "A Guide to Methods and Standards for the Measurement of Water Flow, 1975," U.S. Department of Commerce, National Bureau of Standards. This publication is available from the National Technical Information Service (NTIS), Springfield, VA 22161, Phone number (800) 553-6847. Order by NTIS publication number COM-75-10683.
- b. "Flow Measurement in Open Channels and Closed Conduits, Volumes 1 and 2," U.S. Department of Commerce, National Bureau of Standards. This publication is available from the National Technical Service (NTIS), Springfield, VA, 22161, Phone number (800) 553-6847. Order by NTIS publication number PB-273 535.
- c. "NPDES Compliance Flow Measurement Manual," U.S. Environmental Protection Agency, Office of Water Enforcement. This publication is available from the National Technical Information Service (NTIS), Springfield, VA 22161, Phone number (800) 553-6847. Order by NTIS publication number PB-82-131178.

7. Prohibition for Tampering: Penalties

- a. LA R.S. 30:2025 provides for punishment of any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit.
- b. LA R.S. 30:2076.2 provides for penalties for any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non compliance.

8. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136 (See LAC 33:IX.4901) or, in the case of sludge use and disposal, approved under 40 CFR Part 136 (See LAC 33:IX.4901) unless otherwise specified in 40 CFR Part 503, or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the state administrative authority.

9. Averaging of Measurements

Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the state administrative authority in the permit.

10. Laboratory Accreditation

- a. LAC 33:I.Subpart 3, Chapters 45-59 provide requirements for an accreditation program specifically applicable to commercial laboratories, wherever located, that provide chemical analyses, analytical results, or other test data to the department, by contract or by agreement, and the data is:
 - (1) Submitted on behalf of any facility, as defined in R.S.30:2004;
 - (2) Required as part of any permit application;
 - (3) Required by order of the department;
 - (4) Required to be included on any monitoring reports submitted to the department;
 - (5) Required to be submitted by contractor
 - (6) Otherwise required by department regulations.

- b. The department laboratory accreditation program, Louisiana Environmental Laboratory Accreditation Program (LELAP) is designed to ensure the accuracy, precision, and reliability of the data generated, as well as the use of department-approved methodologies in generation of that data. Laboratory data generated by commercial environmental laboratories that are not (LELAP) accredited will not be accepted by the department. Retesting of analysis will be required by an accredited commercial laboratory.

Where retesting of effluent is not possible (i.e. data reported on DMRs for prior month's sampling), the data generated will be considered invalid and in violation of the LPDES permit.

- c. Regulations on the Louisiana Environmental Laboratory Accreditation Program and a list of labs that have applied for accreditation are available on the department website located under DIVISIONS → LABORATORY SERVICES at the following link:

<http://www.deq.louisiana.gov>

Questions concerning the program may be directed to (225) 219-9800.

SECTION D. REPORTING REQUIREMENTS

1. Facility Changes

The permittee shall give notice to the state administrative authority as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

- a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or
- b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under LAC 33:IX.2703.A.1.
- c. For Municipal Permits. Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to Section 301, or 306 of the CWA if it were directly discharging those pollutants; and any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit. In no case are any new connections, increased flows, or significant changes in influent quality permitted that will cause violation of the effluent limitations specified herein.

2. Anticipated Noncompliance

The permittee shall give advance notice to the state administrative authority of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

3. Transfers

This permit is not transferable to any person except after notice to the state administrative authority. The state administrative authority may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Clean Water Act or the Louisiana Environmental Quality Act. (See LAC 33:IX.2901; in some cases, modification or revocation and reissuance is mandatory.)

A permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued (under LAC 33:IX.2903. A.2.b), or a minor modification made (under LAC 33:IX.2905) to identify the new permittee and incorporate such other requirements as may be necessary under the Clean Water Act and the Louisiana Environmental Quality Act.

4. Monitoring Reports

Monitoring results shall be reported at the intervals and in the form specified in Part I or Part II of this permit.

The permittee shall submit properly completed Discharge Monitoring Reports (DMRs) on the form specified in the permit. Preprinted DMRs are provided to majors/92-500's and other designated facilities. Please contact the Permit Compliance Unit concerning preprints. Self-generated DMRs must be pre-approved by the Permit Compliance Unit prior to submittal. Self-generated DMRs are approved on an individual basis. Requests for approval of self-generated DMRs should be submitted to:

Supervisor, Permit Compliance Unit
Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, LA 70821-4312

Copies of blank DMR templates, plus instructions for completing them, and EPA's LPDES Reporting Handbook are available at the department website located at:

<http://www.deq.louisiana.gov/portal/Default.aspx?tabid=2276>

5. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

6. Requirements for Notification**a. Emergency Notification**

As required by LAC 33:I.3915, in the event of an unauthorized discharge that does cause an emergency condition, the discharger shall notify the hotline (DPS 24-hour Louisiana Emergency Hazardous Materials Hotline) by telephone at (225) 925-6595 (collect calls accepted 24 hours a day) immediately (a reasonable period of time after taking prompt measures to determine the nature, quantity, and potential off-site impact of a release, considering the exigency of the circumstances), but in no case later than one hour after learning of the discharge. (An emergency condition is any condition which could reasonably be expected to endanger the health and safety of the public, cause significant adverse impact to the land, water, or air environment, or cause severe damage to property.) Notification required by this section will be made regardless of the amount of discharge. Prompt Notification Procedures are listed in Section D.6.c. of these standard conditions.

A written report shall be provided within seven calendar days after the notification. The report shall contain the information listed in Section D.6.d. of these standard conditions and any additional information in LAC 33:I.3925.B.

b. Prompt Notification

As required by LAC 33:I.3917, in the event of an unauthorized discharge that exceeds a reportable quantity specified in LAC 33:I.Subchapter E, but does not cause an emergency condition, the discharger shall promptly notify the department within 24 hours after learning of the discharge. Notification should be made to the Office of Environmental Compliance, Surveillance Division Single Point of Contact (SPOC) in accordance with LAC 33:I.3923.

In accordance with LAC 33:I.3923, prompt notification shall be provided within a time frame not to exceed 24 hours and shall be given to the Office of Environmental Compliance, Surveillance Division Single Point of Contact (SPOC) as follows:

- (1) by the Online Incident Reporting screens found at
<http://www3.deq.louisiana.gov/surveillance/irf/forms/> ;or

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- (2) by e-mail utilizing the Incident Report Form and instructions found at <http://www.deq.louisiana.gov/portal/Default.aspx?tabid=279>; or
 - (3) by telephone at (225) 219-3640 during office hours, or (225) 342-1234 after hours and on weekends and holidays.
- c. Content of Prompt Notifications. The following guidelines will be utilized as appropriate, based on the conditions and circumstances surrounding any unauthorized discharge, to provide relevant information regarding the nature of the discharge:
 - (1) the name of the person making the notification and the telephone number where any return calls from response agencies can be placed;
 - (2) the name and location of the facility or site where the unauthorized discharge is imminent or has occurred, using common landmarks. In the event of an incident involving transport, include the name and address of the transporter and generator;
 - (3) the date and time the incident began and ended, or the estimated time of continuation if the discharge is continuing;
 - (4) the extent of any injuries and identification of any known personnel hazards that response agencies may face;
 - (5) the common or scientific chemical name, the U.S. Department of Transportation hazard classification, and the best estimate of amounts of any and all discharged pollutants;
 - (6) a brief description of the incident sufficient to allow response agencies to formulate their level and extent of response activity.
- d. Written Notification Procedures. Written reports for any unauthorized discharge that requires notification under Section D.6.a. or 6.b., or shall be submitted by the discharger to the Office of Environmental Compliance, Surveillance Division SPOC in accordance with LAC 33:IX.3925 within seven calendar days after the notification required by D.6.a. or 6.b., unless otherwise provided for in a valid permit or other department regulation. Written notification reports shall include, but not be limited to, the following information:
 - (1) the name, address, telephone number, Agency Interest (AI) number (number assigned by the department) if applicable, and any other applicable identification numbers of the person, company, or other party who is filing the written report, and specific identification that the report is the written follow-up report required by this section;
 - (2) the time and date of prompt notification, the state official contacted when reporting, the name of person making that notification, and identification of the site or facility, vessel, transport vehicle, or storage area from which the unauthorized discharge occurred;
 - (3) date(s), time(s), and duration of the unauthorized discharge and, if not corrected, the anticipated time it is expected to continue;
 - (4) details of the circumstances (unauthorized discharge description and root cause) and events leading to any unauthorized discharge, including incidents of loss of sources of radiation, and if the release point is subject to a permit:
 - (a) the current permitted limit for the pollutant(s) released; and
 - (b) the permitted release point/outfall ID.
 - (5) the common or scientific chemical name of each specific pollutant that was released as the result of an unauthorized discharge, including the CAS number and U.S. Department of Transportation hazard classification, and the best estimate of amounts of any and all released pollutants (total amount of each compound expressed in pounds, including calculations);

- (6) a statement of the actual or probable fate or disposition of the pollutant or source of radiation and what off-site impact resulted;
- (7) remedial actions taken, or to be taken, to stop unauthorized discharges or to recover pollutants or sources of radiation.
- (8) Written notification reports shall be submitted to the Office of Environmental Compliance, Surveillance Division SPOC by mail or fax. The transmittal envelope and report or fax cover page and report should be clearly marked "UNAUTHORIZED DISCHARGE NOTIFICATION REPORT."

Please see LAC 33:I.3925.B for additional written notification procedures.

- e. Twenty-four Hour Reporting. The permittee shall report any noncompliance which may endanger human health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and; steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The following shall be included as information which must be reported within 24 hours:

- (1) Any unanticipated bypass which exceeds any effluent limitation in the permit (see LAC 33:IX.2701.M.3.b.);
- (2) Any upset which exceeds any effluent limitation in the permit;
- (3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the state administrative authority in Part II of the permit to be reported within 24 hours (LAC 33:IX.2707.G.).

7. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under Section D.4., 5., and 6., at the time monitoring reports are submitted. The reports shall contain the information listed in Section D.6.e.

8. Other Information

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the state administrative authority, it shall promptly submit such facts or information.

9. Discharges of Toxic Substances

In addition to the reporting requirements under Section D.1-8, all existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Office of Environmental Services, Water Permits Division as soon as they know or have reason to believe:

- a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant:
 - i. listed at LAC 33:IX.7107, Tables II and III (excluding Total Phenols) which is not limited in the permit, if that discharge will exceed the highest of the following notification levels:
 - (1) One hundred micrograms per liter (100 µg/L);
 - (2) Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,4 -dinitro-phenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
 - (3) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with LAC33:IX.2501.G.7; or
 - (4) The level established by the state administrative authority in accordance with LAC 33:IX.2707.F; or
 - ii. which exceeds the reportable quantity levels for pollutants at LAC 33:I. Subchapter E.

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- b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant:
 - i. listed at LAC 33:IX.7107, Tables II and III (excluding Total Phenols) which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - (1) Five hundred micrograms per liter (500 µg/L);
 - (2) One milligram per liter (1 mg/L) for antimony;
 - (3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with LAC 33:IX.2501.G.7; or
 - (4) The level established by the state administrative authority in accordance with LAC 33:IX.2707.F; or
 - ii. which exceeds the reportable quantity levels for pollutants at LAC 33:I. Subchapter E.

10. Signatory Requirements

All applications, reports, or information submitted to the state administrative authority shall be signed and certified.

- a. All permit applications shall be signed as follows:

- (1) For a corporation - by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
 - (a) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or,
 - (b) The manager of one or more manufacturing, production, or operating facilities, provided: the manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations and initiating and directing other comprehensive measures to ensure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and the authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

NOTE: DEQ does not require specific assignments or delegations of authority to responsible corporate officers identified in Section D.10.a.(1)(a). The agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the state administrative authority to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under Section D.10.a.(1)(b) rather than to specific individuals.

- (2) For a partnership or sole proprietorship - by a general partner or the proprietor, respectively; or
- (3) For a municipality, state, federal, or other public agency - by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a federal agency includes:
 - (a) The chief executive officer of the agency, or
 - (b) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).
- b. All reports required by permits and other information requested by the state administrative authority shall be signed by a person described in Section D.10.a., or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - (1) The authorization is made in writing by a person described in Section D.10.a. of these standard conditions;

- (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company, (a duly authorized representative may thus be either a named individual or an individual occupying a named position; and,
 - (3) The written authorization is submitted to the state administrative authority.
- c. Changes to authorization. If an authorization under Section D.10.b. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Section D.10.b. must be submitted to the state administrative authority prior to or together with any reports, information, or applications to be signed by an authorized representative.
- d. Certification. Any person signing a document under Section D.10. a. or b. above, shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

11. Availability of Reports

All recorded information (completed permit application forms, fact sheets, draft permits, or any public document) not classified as confidential information under R.S. 30:2030(A) and 30:2074(D) and designated as such in accordance with these regulations (LAC 33:IX.2323 and LAC 33:IX.6503) shall be made available to the public for inspection and copying during normal working hours in accordance with the Public Records Act, R.S. 44:1 et seq.

Claims of confidentiality for the following will be denied:

- a. The name and address of any permit applicant or permittee;
- b. Permit applications, permits, and effluent data.
- c. Information required by LPDES application forms provided by the state administrative authority under LAC 33:IX.2501 may not be claimed confidential. This includes information submitted on the forms themselves and any attachments used to supply information required by the forms.

SECTION E. PENALTIES FOR VIOLATIONS OF PERMIT CONDITION

1. Criminal

a. Negligent Violations

The Louisiana Revised Statutes LA. R. S. 30:2076.2 provides that any person who negligently violates any provision of the LPDES, or any order issued by the secretary under the LPDES, or any permit condition or limitation implementing any such provision in a permit issued under the LPDES by the secretary, or any requirement imposed in a pretreatment program approved under the LPDES is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or both. If a conviction of a person is for a violation committed after a first conviction of such person, he shall be subject to a fine of not more than \$50,000 per day of violation, or imprisonment of not more than two years, or both.

b. Knowing Violations

The Louisiana Revised Statutes LA. R. S. 30:2076.2 provides that any person who knowingly violates any provision of the LPDES, or any permit condition or limitation implementing any such provisions in a permit issued under the LPDES, or any requirement imposed in a pretreatment program approved under

the LPDES is subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or imprisonment for not more than 3 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person, he shall be subject to a fine of not more than \$100,000 per day of violation, or imprisonment of not more than six years, or both.

c. Knowing Endangerment

The Louisiana Revised Statutes LA. R. S. 30:2076.2 provides that any person who knowingly violates any provision of the LPDES, or any order issued by the secretary under the LPDES, or any permit condition or limitation implementing any of such provisions in a permit issued under the LPDES by the secretary, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000, or by imprisonment for not more than 15 years, or both. A person which is an organization shall, upon conviction of violating this Paragraph, be subject to a fine of not more than one million dollars. If a conviction of a person is for a violation committed after a first conviction of such person under this Paragraph, the maximum punishment shall be doubled with respect to both fine and imprisonment.

d. False Statements

The Louisiana Revised Statutes LA. R. S. 30:2076.2 provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the LPDES or who knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained under the LPDES, shall, upon conviction, be subject to a fine of not more than \$10,000, or imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this Subsection, he shall be subject to a fine of not more than \$20,000 per day of violation, or imprisonment of not more than 4 years, or both.

2. Civil Penalties

The Louisiana Revised Statutes LA. R. S. 30:2025 provides that any person found to be in violation of any requirement of this Subtitle may be liable for a civil penalty, to be assessed by the secretary, an assistant secretary, or the court, of not more than the cost to the state of any response action made necessary by such violation which is not voluntarily paid by the violator, and a penalty of not more than \$32,500 for each day of violation. However, when any such violation is done intentionally, willfully, or knowingly, or results in a discharge or disposal which causes irreparable or severe damage to the environment or if the substance discharged is one which endangers human life or health, such person may be liable for an additional penalty of not more than one million dollars.

(PLEASE NOTE: These penalties are listed in their entirety in Subtitle II of Title 30 of the Louisiana Revised Statutes.)

SECTION F. DEFINITIONS

All definitions contained in Section 502 of the Clean Water Act shall apply to this permit and are incorporated herein by reference. Additional definitions of words or phrases used in this permit are as follows:

1. Clean Water Act (CWA) means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or the Federal Water Pollution Control Act Amendments of 1972) Pub.L.92-500, as amended by Pub.L. 95-217, Pub.L. 95-576, Pub.L. 96-483 and Pub.L. 97-117, 33 U.S.C. 1251 et. seq.).
2. Accreditation means the formal recognition by the department of a laboratory's competence wherein specific tests or types of tests can be accurately and successfully performed in compliance with all minimum requirements set forth in the regulations regarding laboratory accreditation.
3. Administrator means the Administrator of the U.S. Environmental Protection Agency, or an authorized representative.

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4. Applicable Standards and Limitations means all state, interstate and federal standards and limitations to which a discharge is subject under the Clean Water Act, including, effluent limitations, water quality standards of performance, toxic effluent standards or prohibitions, best management practices, and pretreatment standards under Sections 301, 302, 303, 304, 306, 307, 308 and 403.
5. Applicable water quality standards means all water quality standards to which a discharge is subject under the Clean Water Act.
6. Commercial Laboratory means any laboratory, wherever located, that performs analyses or tests for third parties for a fee or other compensation and provides chemical analyses, analytical results, or other test data to the department. The term commercial laboratory does not include laboratories accredited by the Louisiana Department of Health and Hospitals in accordance with R.S.49:1001 et seq.
7. Daily Discharge means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in terms of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the sampling day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the average measurement of the pollutant over the sampling day. Daily discharge determination of concentration made using a composite sample shall be the concentration of the composite sample.
8. Daily Maximum discharge limitation means the highest allowable "daily discharge".
9. Director means the U.S. Environmental Protection Agency Regional Administrator, or the state administrative authority, or an authorized representative.
10. Domestic septage means either liquid or solid material removed from a septic tank, cesspool, portable toilet, Type III marine sanitation device, or similar treatment works that receives only domestic sewage. Domestic septage does not include liquid or solid material removed from a septic tank, cesspool, or similar treatment works that receives either commercial wastewater or industrial wastewater and does not include grease removed from grease trap at a restaurant.
11. Domestic sewage means waste and wastewater from humans, or household operations that is discharged to or otherwise enters a treatment works.
12. Environmental Protection Agency or (EPA) means the U.S. Environmental Protection Agency.
13. Grab sample means an individual sample collected over a period of time not exceeding 15 minutes, unless more time is needed to collect an adequate sample, and is representative of the discharge.
14. Industrial user means a nondomestic discharger, as identified in 40 CFR 403, introducing pollutants to a publicly owned treatment works.
15. LEQA means the Louisiana Environmental Quality Act.
16. Louisiana Pollutant Discharge Elimination System (LPDES) means those portions of the Louisiana Environmental Quality Act and the Louisiana Water Control Law and all regulations promulgated under their authority which are deemed equivalent to the National Pollutant Discharge Elimination System (NPDES) under the Clean Water Act in accordance with Section 402 of the Clean Water Act and all applicable federal regulations.

17. Monthly Average, other than for fecal coliform bacteria, discharge limitations are calculated as the sum of all "daily discharge(s)" measured during a calendar month divided by the number of "daily discharge(s)" measured during that month. When the permit establishes monthly average concentration effluent limitations or conditions, and flow is measured as continuous record or with a totalizer, the monthly average concentration means the arithmetic average (weighted by flow) of all "daily discharge(s)" of concentration determined during the calendar month where C = daily discharge concentration, F = daily flow and n = number of daily samples; monthly average discharge =

$$\frac{C_1F_1 + C_2F_2 + \dots + C_nF_n}{F_1 + F_2 + \dots + F_n}$$

When the permit establishes monthly average concentration effluent limitations or conditions, and the flow is not measured as a continuous record, then the monthly average concentration means the arithmetic average of all "daily discharge(s)" of concentration determined during the calendar month.

The monthly average for fecal coliform bacteria is the geometric mean of the values for all effluent samples collected during a calendar month.

18. National Pollutant Discharge Elimination System (NPDES) means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under Sections 307, 318, 402, and 405 of the Clean Water Act.
19. Severe property damage means substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
20. Sewage sludge means a solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Sewage sludge includes, but is not limited to, domestic septage; scum or solids removed in primary, secondary, or advanced wastewater treatment processes; portable toilet pumpings, type III marine sanitation device pumpings (33 CFR part 159); and a material derived from sewage sludge. Sewage sludge does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screenings generated during preliminary treatment of domestic sewage in a treatment works.
21. Stormwater Runoff—aqueous surface runoff including any soluble or suspended material mobilized by naturally occurring precipitation events.
22. Surface Water: all lakes, bays, rivers, streams, springs, ponds, impounding reservoirs, wetlands, swamps, marshes, water sources, drainage systems and other surface water, natural or artificial, public or private within the state or under its jurisdiction that are not part of a treatment system allowed by state law, regulation, or permit.
23. Treatment works means any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage and industrial wastes of a liquid nature to implement Section 201 of the Clean Water Act, or necessary to recycle or reuse water at the most economical cost over the estimated life of the works, including intercepting sewers, sewage collection systems, pumping, power and other equipment, and their appurtenances, extension, improvement, remodeling, additions, and alterations thereof. (See Part 212 of the Clean Water Act)
24. For fecal coliform bacteria, a sample consists of one effluent grab portion collected during a 24-hour period at peak loads.
25. The term MGD shall mean million gallons per day.
26. The term GPD shall mean gallons per day.

27. The term mg/L shall mean milligrams per liter or parts per million (ppm).
28. The term SPC shall mean Spill Prevention and Control. Plan covering the release of pollutants as defined by the Louisiana Administrative Code (LAC 33:IX.9).
29. The term SPCC shall mean Spill Prevention Control and Countermeasures Plan. Plan covering the release of pollutants as defined in 40 CFR Part 112.
30. The term ug/L shall mean micrograms per liter or parts per billion (ppb).
31. The term ng/L shall mean nanograms per liter or parts per trillion (ppt).
32. Visible Sheen: a silvery or metallic sheen, gloss, or increased reflectivity; visual color; or iridescence on the water surface.
33. Wastewater—liquid waste resulting from commercial, municipal, private, or industrial processes. Wastewater includes, but is not limited to, cooling and condensing waters, sanitary sewage, industrial waste, and contaminated rainwater runoff.
34. Waters of the State: for the purposes of the Louisiana Pollutant Discharge Elimination system, all surface waters within the state of Louisiana and, on the coastline of Louisiana and the Gulf of Mexico, all surface waters extending there from three miles into the Gulf of Mexico. For purposes of the Louisiana Pollutant Discharge Elimination System, this includes all surface waters which are subject to the ebb and flow of the tide, lakes, rivers, streams, (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, natural ponds, impoundments of waters within the state of Louisiana otherwise defined as "waters of the United States" in 40 CFR 122.2, and tributaries of all such waters. "Waters of the state" does not include waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the Clean Water Act, 33 U.S.C. 1251 et seq.
35. Weekly average, other than for fecal coliform bacteria, is the highest allowable arithmetic mean of the daily discharges over a calendar week, calculated as the sum of all "daily discharge(s)" measured during a calendar week divided by the number of "daily discharge(s)" measured during that week. When the permit establishes weekly average concentration effluent limitations or conditions, and flow is measured as continuous record or with a totalizer, the weekly average concentration means the arithmetic average (weighted by flow) of all "daily discharge(s)" of concentration determined during the calendar week where C = daily discharge concentration, F = daily flow and n = number of daily samples; weekly average discharge

$$= \frac{C_1F_1 + C_2F_2 + \dots + C_nF_n}{F_1 + F_2 + \dots + F_n}$$

When the permit establishes weekly average concentration effluent limitations or conditions, and the flow is not measured as a continuous record, then the weekly average concentration means the arithmetic average of all "daily discharge(s)" of concentration determined during the calendar week.

The weekly average for fecal coliform bacteria is the geometric mean of the values for all effluent samples collected during a calendar week.

36. Sanitary Wastewater Term(s):

- a. 3-hour composite sample consists of three effluent portions collected no closer together than one hour (with the first portion collected no earlier than 10:00 a.m.) over the 3-hour period and composited according to flow, or a sample continuously collected in proportion to flow over the 3-hour period.
- b. 6-hour composite sample consists of six effluent portions collected no closer together than one hour (with the first portion collected no earlier than 10:00 a.m.) over the 6-hour period and composited according to flow, or a sample continuously collected in proportion to flow over the 6-hour period.

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- c. 12-hour composite sample consists of 12 effluent portions collected no closer together than one hour over the 12-hour period and composited according to flow, or a sample continuously collected in proportion to flow over the 12-hour period. The daily sampling intervals shall include the highest flow periods.
- d. 24-hour composite sample consists of a minimum of 12 effluent portions collected at equal time intervals over the 24-hour period and combined proportional to flow or a sample continuously collected in proportion to flow over the 24-hour period.